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ABSTRACT

This publication records statements made by representatives of some 30 organizations at a Consultation on the Status of Civil Rights in Maine. Following the chairperson's introductory remarks, presentations on the following five sets of issues are offered: (1) general and multiple civil rights issues (the Maine Human Rights Commission, the Pine Tree Legal Assistance, Inc., and the Maine Division of Community Services); (2) racial, ethnic, and national origin discrimination issues, specifically the experiences of Blacks, Franco-Americans, and Native Americans in the State (the National Association for the Advancement of Colored People, the Central Maine Indian Association, the Association of Aroostook Indians, and a professor of sociology at the University of Southern Maine); (3) sex discrimination issues (the Maine Commission for Women, the National Organization for Women, the Maine Women's Lobby, the Maine Teachers Association, the Portland Family Crisis Shelter, and the American Civil Liberties Union); (4) age discrimination issues (the Bureau of Maine's Elderly, and the Maine State Nurses Association); and (5) handicap discrimination issues (the Southern Maine Association of Handicapped Persons). The document's final section isolates and summarizes problem areas and outlines explicit program suggestions. Appendices list human rights complaints, 1978-79, and organizations represented at the Consultation. (RDN)

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Civil Rights in Maine

October 1979

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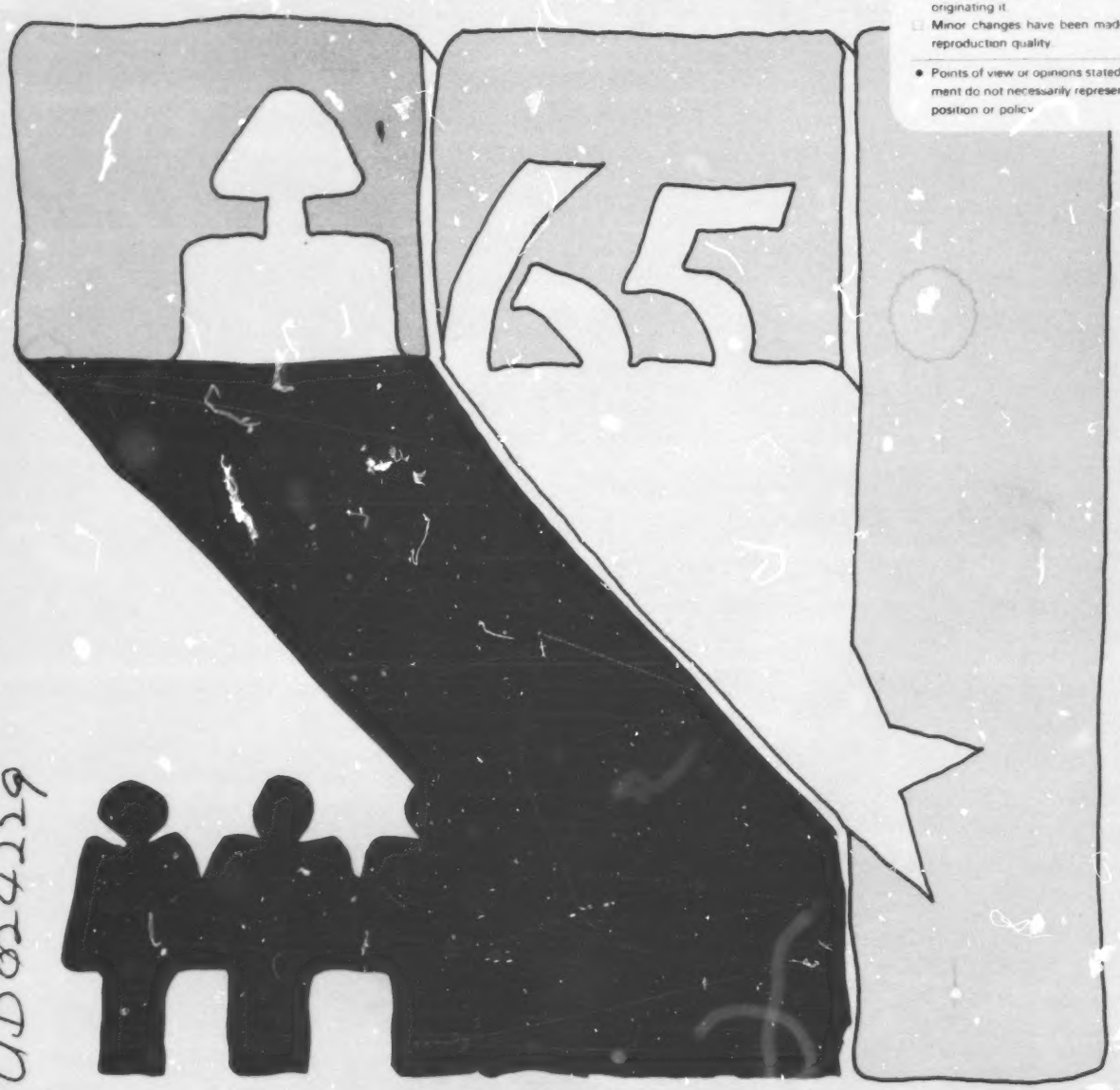

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The proceedings of a consultation sponsored by the Maine Advisory Committee to the United States Commission on Civil Rights, held November 16–17, 1978, in Augusta, Maine, published for the information of the Commission and the citizens of Maine. Information, opinions, and recommendations in this publication should be attributed to the individual presenters, not to the Maine Advisory Committee or the Commission on Civil Rights.

THE UNITED STATES COMMISSION ON CIVIL RIGHTS

The United States Commission on Civil Rights, created by the Civil Rights Act of 1957, is an independent, bipartisan agency of the executive branch of the Federal Government. By the terms of the act, as amended, the Commission is charged with the following duties pertaining to discrimination or denials of the equal protection of the laws based on race, color, religion, sex, age, handicap, or national origin, or in the administration of justice: investigation of individual discriminatory denials of the right to vote; study of legal developments with respect to discrimination or denials of the equal protection of the law; appraisal of the laws and policies of the United States with respect to discrimination or denials of equal protection of the law; maintenance of a national clearinghouse for information respecting discrimination or denials of equal protection of the law; and investigation of patterns or practices of fraud or discrimination in the conduct of Federal elections. The Commission is also required to submit reports to the President and the Congress at such times as the Commission, the Congress, or the President shall deem desirable.

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An Advisory Committee to the United States Commission on Civil Rights has been established in each of the 50 States and the District of Columbia pursuant to section 105(c) of the Civil Rights Act of 1957 as amended. The Advisory Committees are made up of responsible persons who serve without compensation. Their functions under their mandate from the Commission are to: advise the Commission of all relevant information concerning their respective States on matters within the jurisdiction of the Commission; advise the Commission on matters of mutual concern in the preparation of reports of the Commission to the President and the Congress; receive reports, suggestions, and recommendations from individuals, public and private organizations, and public officials upon matters pertinent to inquiries conducted by the State Advisory Committee; initiate and forward advice and recommendations to the Commission upon matters in which the Commission shall request the assistance of the State Advisory Committee; and attend, as observers, any open hearing or conference which the Commission may hold within the State.

Civil Rights in Maine

—The proceedings of a consultation sponsored by the Maine Advisory Committee to the United States Commission on Civil Rights, held in Augusta, Maine, November 16–17, 1978.

ATTRIBUTION:

The information, opinions, and recommendations in this publication should be attributed to the individual presenters, not to the Maine Advisory Committee or the U.S. Commission on Civil Rights.

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Prior to the publication of a report, the State Advisory Committee affords to all individuals or organizations that may be defamed, degraded, or incriminated by any material contained in the report an opportunity to respond in writing to such material. All responses have been incorporated, appended, or otherwise reflected in this publication.

LETTER OF TRANSMITTAL

The Maine Advisory Committee to the
U.S. Commission on Civil Rights
October 1979

MEMBERS OF THE COMMISSION
Arthur S. Flemming, *Chairman*
Stephen Horn, *Vice Chairman*
Frankie Freeman
Manuel Ruiz, Jr.
Murray Saltzman

Louis Nuñez, *Staff Director*

Dear People:

The Maine Advisory Committee to the U.S. Commission on Civil Rights, pursuant to its responsibility to advise the Commission on civil rights issues in Maine, submits this record of statements delivered by participants at the Advisory Committee's Consultation on the Status of Civil Rights in Maine, November 16–17, 1978. Supplemental information has been added where necessary to update or clarify the observations of the participants.

The consultation was the product of a decision made by the Advisory Committee early in 1978 to step back temporarily from involvement with specific problems and survey instead the status of the full range of issues lying within the Commission's mandate. As it has turned out, this decision was a timely one, for the consultation has equipped the Advisory Committee with an informed vision of the breadth and complexity of the civil rights movement today, even as that movement seems to have entered a period of adversity and turmoil.

The consultation has provided a basis from which the Advisory Committee will set priorities, develop programs, and offer recommendations.

We urge you to review this document.

Respectfully,

Shirley Elias Ezzy, *Chairperson*

MEMBERSHIP

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Anita Stickney*
Yarmouth

Robert E. Talbot
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Elinor Multer
Orrs Island

Robert Yachanin*
Augusta

*Members added since the November 1978 Consultation on the Status of Civil Rights in Maine.

PREFACE

On November 16–17, 1978, the Maine Advisory Committee to the United States Commission on Civil Rights sponsored a Consultation on the Status of Civil Rights in Maine. The purposes of the consultation were to obtain better data about conditions in Maine, to facilitate communication among the diverse groups working for civil rights, to receive programming suggestions for the Advisory Committee, and to develop recommendations for various units of government whose policies and activities bear on civil rights.

The consultation, held at the Augusta Civic Center, included presentations by representatives of approximately 20 organizations. Those presentations form the core of this publication. In instances where speakers described forms of discrimination lying outside the mandate of the U.S. Commission on Civil Rights, those discussions have been left out of the record as printed here.[1]

The statements that have been included in this report should be taken as representing the judgments and experiences of the individual speakers or their organizations; they do not represent the official policies or priorities of the Maine Advisory Committee. However, the information and concerns offered by participants in the consultation are being used by the Committee as a springboard for further investigations; for monitoring of specific programs, policies, and units of government; for providing information and technical assistance where the need appears to be great; for making specific administrators and policymakers aware of the civil rights implications of their work; and for calling for similar initiatives from the highest levels of State and municipal government by circulating this publication and other materials to appropriate officials.

During the decade now ending, the Maine Advisory Committee conducted studies and made recommendations concerning provision of State and Federal services to Maine Indians, employment opportunities for women in State government, sex bias in "help-wanted" advertisements, bilingual education and the cultural needs of the Franco-American community, affirmative action by government contractors, and equal employment opportunity in the State's banking industry.[2] The Committee anticipates that the problems described and the projects suggested at the consultation will provide the basis for a succession of equally valuable activities in the 1980s.

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[1] These other statements are on file at the New England Regional Office of the U.S. Commission on Civil Rights. The statements include descriptions of discrimination on the basis of sexual orientation (Kate McQueen, Maine Lesbian Feminists) and on the basis of union membership (Nancy Chandler, Maine State Nurses Association).

[2] The following reports may be obtained from the New England Regional Office of the U.S. Commission on Civil Rights: *Federal and State Services and the Maine Indian* (1974) and *Equal Employment Opportunity in the Maine Banking Industry* (1977).

ACKNOWLEDGMENTS

The Maine Advisory Committee wishes to thank the staffs of the Commission's Eastern Regional Office in New York and New England Regional Office in Boston for their assistance in this project. The planning and arranging of the Consultation on the Status of Civil Rights in Maine was carried out with the assistance of Ira Krause of the Eastern Regional Office, under the direction of Eastern Regional Director Ruth Cubero. This publication was prepared by Larry Riedman and David Harris of the New England Regional Office, under the direction of New England Regional Director Jacob Schlitt.

Final preparation for publication was done by the Publications Management Divison of the Commission.

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1. Introductory Remarks by Chairperson Shirley Elias Ezzy

My name is Shirley Elias Ezzy, and I chair the Maine Advisory Committee to the United States Commission on Civil Rights.

The U.S. Commission on Civil Rights is a bipartisan Federal agency which was created by Congress through the Civil Rights Act of 1957, as amended. The Maine Advisory Committee is one of 51 such Committees in the United States. Members of the Advisory Committees are appointed by the Commissioners and serve without compensation. The Advisory Committees conduct factfinding and information dissemination projects and make recommendations to the Commission for improving civil rights policies.

The purpose of our consultation today is to receive informal testimony on the status of civil rights in the State of Maine. We will be here today until 5 o'clock, or beyond if need be, and we will be meeting again tomorrow from 9 to 12 here at the Augusta Civic Center.

Last spring, when the Maine Advisory Committee planned its program for the coming year, the number one priority voted by the members was to hold a consultation to listen to what the major civil rights and civic organizations in the State considered to be the major civil rights issues facing us today. Specifically, we are interested in what progress has been made in the last 10 or 15 years, what the major problems are today, and what should be the goals for the future.

The Committee anticipates that the activity will provide more recent and more reliable data for use by the Maine Advisory Committee in planning its projects for the coming year, and will serve as a basis for followup activities leading to recommendations to the appropriate agencies of the Federal, State, and local governments.

2. General and Multiple Civil Rights Issues

Maine Human Rights Commission

Very many of those who spoke at the consultation cited the Maine Human Rights Commission as a crucial agent in protecting civil rights in Maine.

To carry out its mandate to prevent a wide range of forms of discrimination and to "promote full enjoyment of human rights and personal dignity," the Maine Human Rights Commission has been empowered to "maintain offices, hold meetings, hire staff, hold hearings, make rules and regulations, utilize voluntary services of individuals and organizations, create advisory agencies or councils, require posting of notices, and to issue publications and reports." (*Maine State Government Annual Report,* 1977–78, p. 512.)

Elements of the agency's program include handling discrimination complaints, providing technical assistance to employers concerning affirmative action planning, pursuing litigation in the Maine courts, participating in government efforts to end discrimination in education, maintaining a speakers' bureau and conducting workshops and seminars, and promoting cooperation between Federal and State agencies to ensure efficiency in the effort to protect civil rights.

The testimony below was provided by Joyce S. Harmon, former chair of the Maine Human Rights Commission. Commissioner Jeannie D. Clark and Chief Compliance Officer Francia Davis also attended the consultation to help answer the audience's questions regarding the agency.

Joyce S. Harmon, Former Chairperson, Maine Human Rights Commission

On June 25, 1971, former Governor Ken Curtis signed into law the Maine Human Rights Act. The passage of the law came after several years of effort. The initial statutory charge was:

> To protect the public health, safety and welfare, it is declared to be the policy of this State to keep continually in review all practices infringing on the basic human rights to a life with dignity, and the causes of such practices, so that corrective measures may, where possible, be promptly recommended and implemented; and to prevent discrimination in employment, housing, or access to public accommodations on account of race, color, religion, ancestry or national origin, and in employment, discrimination on account of age.

In 1973 the most crucial procedural amendment to the statute was signed into law, granting subpena powers to the commission, thereby raising the Maine Human Rights Act to enforceable status. This amendment also resulted in the law meeting the minimal criteria necessary to establish a deferral relationship with the Federal Equal Employment Opportunity Commission. The establishment of this relationship resulted in better Federal-State coordination in enforcing antidiscrimination laws in employment and gave the Commission access to dollars to enforce the law.

Since 1973 the law has been amended several times substantively, adding the prohibition of sex discrimination in employment, housing, and public

accommodations; prohibition of discrimination in employment, housing, and public accommodations because of physical or mental handicap; the prohibition of discrimination in housing because of receipt of public assistance; and further, prohibition of discrimination in extension of credit because of race, color, sex, religion, ancestry, national origin, or marital status. The problems facing the Maine Human Rights Commission were many. There was little money: The initial legislative appropriation was $15,000. There were no procedures for handling complaints of discrimination. There were few staff people to respond to complaints of discrimination, and less money to travel to investigate those complaints. There were planning problems, priority-setting problems, training problems, quorum problems, and sporadic commission involvement. State courts had no experience in discrimination law.

Unlike many States which have had human rights commissions for 35 and 40 years, the State of Maine found itself faced with a new law, albeit a fine law, with little or no ability to enforce that law. Since 1973 the commission's ability to respond to human rights problems has grown considerably. Its State budget has grown from $15,000 to $75,000. Since 1974 its Federal dollars have increased from zero to $125,000. The increase in funds is largely traceable to the addition of new protected classes, new areas of coverage, and an increase in volume of complaints of discrimination. (See appendix A for charts describing current complaint volume.)

The commission set up and adopted formal procedures for handling complaints of discrimination. It instituted a staff training program, drawing on the expertise of people within and without the State. It hired its own legal counsel. It began processing complaints of discrimination efficiently and effectively. As the commission became known, more and more citizens of the State of Maine filed complaints of discrimination. The number of complaints filed grew faster than the commission's resources, and new problems arose. The commission was unable to respond quickly and efficiently to complaints of discrimination. The average length of time to process complaints was 7 months. More and more lawyers become involved at the administration level, delaying further the efforts to respond quickly.

As a result, the commission has revised its procedures, making it more efficient and more able to respond to complaints of discrimination quickly. Today the commission is ready to open its first full-time field office in Portland. By the first of the year the commission should be able to respond quickly and efficiently to all charges of discrimination. In the sample where the new procedures have been followed, 65 percent of all charges filed with the commission are settled within 3 months of receipt. An inhouse training capacity has been developed to be able to train new staff quickly and effectively.

In the past the commission has been in a position of responding to human rights issues as they are raised by other persons, groups, etc. This has often resulted in fragmented resources and efforts and has had a negative effect on meeting the commission's priorities. During the past year and a half, the commission has completed its first rigorous planning and priority-setting process. It has set for itself priorities for accomplishments for the remainder of the fiscal year. The commission's efforts will result in a more directed, coordinated approach to human rights problems.

The commission has often been wrapped in controversy. As a result of broad-ranging investigations into the conditions of migrant workers in blueberry fields in Washington County and as a result of broad investigations into the field of education with respect to equal opportunity in employment, vocational education, and athletics, the commission had investigations conducted by a Governor's task force and by the legislature's performance audit committee. Both of those investigations showed *not* that the commission's staff was biased, *not* that the commission was complaint oriented, *not* that this commission did not know what it was doing, *not* that the commission was unfair, but rather that the commission did not have the resource capacity to adequately inform people in the State of Maine of their responsibilities under the Maine Human Rights Act; nor did it have the capacity to carry out an effective public education and information program. Both studies recommended that the legislature give the commission the capacity to develop and carry out its educative functions.

Unlike the problems facing the initial commission, the Maine courts have had experience in handling civil litigation pursuant to the Maine Human Rights Act; most recently the Maine Supreme Court ruled on a very important case for the Maine Human Rights Act (*Michaud v. United Paper International Union).* The constitutionality of the Maine Human Rights Act is established; that the Maine Human Rights Act is to be interpreted in harmony with

Title VII of the Civil Rights Act of 1964 is established; that the Maine Human Rights Act should be viewed in the context of supplementing Title VII is established; that the commission has the authority to issue guidelines, and that its guidelines should be granted great deference by the courts, is established.

The commission has come a long way. What are the problems facing the Maine Human Rights Commission now? First of all, there is still a dearth of public awareness as to what the law requires, a dearth of public awareness of the remedy provided by the law, and a lack of public awareness of the accomplishments of the commission.

A second major problem facing the Maine Human Rights Commission and facing people seeking remedy via the Maine Human Rights Act is the lack of support for complainants who file complaints with the commission. Many respondents are members of professional organizations, trade organizations; many have private counsel. Most have someone to turn to when a complaint of discrimination is filed against them, someone who has had experience with the Maine Human Rights Commission's investigative procedures. Persons seeking remedy, unfortunately, do not have the same support networks. They are generally *not* members of organized groups. They are generally located in rural areas of the State. Most are unable to hire an attorney to represent them.

Another problem area is that of inadequate legal counsel. It has been the policy of the Maine Attorney General to represent all agencies of State government and *not* allow agencies to have their own independent counsel. Unfortunately, many of our complaints are filed against State agencies, who are represented by the attorney general's office; further, the attorney general's office is understaffed and overworked and has been unable to give us adequate services or adequate representation and has been unable to enforce the Maine Human Rights Act. In many instances, that office has failed to file an action in court which has been mandated by statute. The failure to proceed has caused substantial problems for us in our efforts to enforce the law.

Another problem facing the commission today is efforts to amend the Maine Human Rights Act to include new protected classes. Each time a new area of coverage or a new protected class has been added to the Maine Human Rights Act, there has not been a proportionate increase in resources.

Adequate funding has always been a problem. This year the Equal Employment Opportunity Commission has bailed us out of the dollar crunch: I believe that in a period of months the problems that the commission has had in the past with respect to inadequate resources will be eliminated. However, we must understand that a State agency supported by Federal dollars loses much of its autonomy, loses much of its ability to decide specifically how that money is to be spent and must meet the conditions attached to the grant or to the contract. In addition, such dollars are subject to not only the whim of Congress in appropriating the money, but to the whim of whoever is administering the Equal Employment Opportunity Commission at the time.[1]

Further, a major problem facing human rights agencies everywhere is the backlash to progress made by women and minorities in the courts. There is not an effective, vocal, civil rights coalition in Maine to respond publicly to such a backlash. The Maine Human Rights Act has been legislatively modified to make it more difficult to issue subpoenas and to limit the ability of the commission to initiate its own investigations. These small erosions of an effective law have not been particularly damaging, but they represent the danger of greater erosion.

Epilog to Joyce Harmon Statement

The Maine Human Rights Commission opened its Portland office in 1979 as anticipated.

One of the commission's principal program focuses in 1979 has been affirmative action, for which it is preparing guidelines that will be released late in the year. Another development has been joint meetings of representatives of the Maine Human Rights Commission and of the Maine Advisory Committee to plan cooperative approaches to civil rights problems.

Lack of independent legal counsel continues to be an obstacle to the commission's work. Although in 1979 the commission had the full-time services of four assistant State attorneys general, these lawyers' efforts were limited by the high-level conflict of

[1] The U.S. Equal Employment Opportunity Commission has designated the Maine Human Rights Commission as a "deferral" agency, which means that employment discrimination complaints under Federal law are "deferred" to the State agency for resolution. A worksharing agreement governs the process, and Federal funds support it. During 1979 the Maine Human Rights Commission established a similar arrangement with the U.S. Department of Housing and Urban Development regarding housing discrimination complaints.

interest represented by the Maine Attorney General's obligation to defend agencies charged by the commission with violations. A frequent outcome of the situation is that incidents that might have produced far-reaching court decisions end instead in much narrower settlements.

The limited service provided to the commission by the attorney general's office is compounded by the fact that the assistant attorneys general assigned to the commission do not even have offices at the commission and, thus, are somewhat insulated from the commission's "orientation" to its mandate and clients.

The current chair of the Maine Human Rights Commission is Norman Fournier and the current executive director is Patricia Ryan (whose testimony on behalf of the Maine Women's Lobby appears in a later chapter of this report).

Pine Tree Legal Assistance, Inc.

Pine Tree Legal Assistance, Inc., is the Maine grantee of the Legal Services Corporation, a nonprofit, public corporation established by Congress in 1974 to support legal assistance in civil matters for low-income citizens. However, Pine Tree has been in operation in Maine for over a decade, funded in its earlier years by the Federal Office of Economic Opportunity.

At the time of the consultation, Pine Tree's six offices were staffed by nearly 70 workers, including about 30 lawyers.

One case in which Pine Tree was involved at the time of the consultation concerned Pineland Center, a State institution for retarded children. Pine Tree's class action suit demanded broad changes in treatment and conditions. After long negotiations, the State agreed in a consent decree to provide $5 million in additional State funds for the facility and that a master appointed by the Federal district court would oversee implementation of the reforms.

[1] General assistance is the responsibility of the Bureau of Social Welfare of the Maine Department of Human Services. Each of the 400 municipalities in the State administers its own program, and in the 418 "unorganized" towns the program is administered by agents contracted by the State. In the former case the funding mix is 60 percent State and 40 percent municipal; in the latter, it is 100 percent State. The general assistance section of the income maintenance unit of the bureau is charged with a number of oversight and auditing responsibilities and with consulting with municipalities regarding standards. (*Maine State Government Annual Report*, 1977–78, pp. 432–33.)

Marshall Cohen, Director, Legislative Unit, Pine Tree Legal Assistance, Inc.

I would like to emphasize three or four areas in which Pine Tree Legal Assistance has been, is, and will be working in the next year or two.

Pine Tree is a nonprofit organization that provides legal advice, counsel, and representation to poor and low-income families in Maine on civil matters. We have six offices around the State ranging from Portland to Lewiston to Bangor, Augusta, Machias, and Presque Isle. We have several particular units within the organization, one of which is the full-time staff legislative unit, which is my office, where we prepare and lobby on a wide range of legislation during each session of the Maine legislature.

We also spend a great deal of time working with and sometimes against various agencies of State government with respect to policies and programs they are involved with which affect our clients. The last area of concern that I'm going to mention today will address that kind of relationship, and problems that we see with State agencies.

Probably the most serious problem that is a concern to all of Pine Tree, each of our offices, concerns the general assistance program in the State of Maine. The general assistance program is established by State law to provide for a means of assistance to poor people in this State at the local level. It is funded entirely through local property taxes with some assistance provided by the State general fund in cases where the towns may spend a fair amount of money.[1]

State law sets forth certain requirements for individuals wishing to apply for and receive assistance, but State law also provides a great deal of flexibility for each local community in the State to define and control the program in accordance with local ordinances. We have found in the past several years a very disturbing pattern of violations of State law, local ordinances, and the due process provisions of both State and Federal constitutions by a large number of towns in the State of Maine.[2]

Problems of Maine's Indians in regard to the general assistance program are discussed by Rev. David Rudolph, Central Maine Indian Association, in chapter 3 of this publication.

[2] In response to a question, Mr. Cohen explained that: "the State requires that there be local regulations. However, these are totally up to the discretion of the local community except for two or three specific procedural requirements. You have to allow for written application; you have to give a decision within 24 hours; and certain provisions for fair housings. Even these are often violated." Mr. Cohen added that most smaller towns use guidelines drafted by the Maine Municipal Association,

The general assistance program as it now stands is for many people not working. People are denied their basic right to file an application. They are refused to be given a written decision as to whether they are eligible for assistance. They are refused or delayed in their effort to get a fair hearing on a decision made by a municipality. In some municipalities, if an individual is fortunate enough to get a fair hearing, he or she must go before the very same people who made the initial decision to deny eligibility.

We think that a prime concern of committees such as you people should be to look further into such problems and assist in making known to people of the State of Maine and to responsible public officials that these problems exist, that they have a direct and often dire impact on the immediate needs of the people of the State, and that steps should be taken to correct these things.

We are particularly concerned at this time of year with winter coming that many, many people run out of heating oil in the middle of winter and have only one source of assistance to assure that they keep warm, which is general assistance. We are concerned that this has happened in the last several years, and because of problems in the general assistance system, people will be forced to go without heat for some periods of time during the winter.

I might add that this problem is compounded by policies by oil dealers in many parts of the State that require a minimum number of gallons to be delivered, which will require a certain level of cash to be available by individuals in order to receive heating oil, and in some cases require certain types of surcharges or other costs to make special trips to people who face a loss of heating oil in their houses. That problem is tied to the general assistance system in some respects. The numerous violations that I cited in respect to general assistance really hit the hardest when it comes to the needs of people to get the heating oil they need. I should emphasize that substantive problems relate to widespread procedural problems that we see in the general assistance system.

The second area that we are concerned about and that we will be involved in is a subject that is called generally "domestic violence"—problems of battered wives, battered spouses, in the State of Maine. It is clear now that neither law enforcement agencies nor prosecutorial agencies have adequate tools to deal with the problems of battered wives. Police do not treat these kinds of assaults as they treat other kinds of assaults. The prosecutors and district attorneys feel handicapped because of the problems the police have and because of gaps in State law.

There are very, very few shelter facilities in the State to handle the problems of battered wives and to be available for people to go to who face these kinds of assaults and who need to get out of the situation and have the time and security to make the decisions as to what they want to do—whether they want to go back to that situation or whether they want to look at the alternatives that are available.

We have been working the past year with the Maine Coalition for Family Crisis Services, which is a group of individuals concerned with these problems. They are the only people in the State that do have available any kind of shelter facilities. We will be working on their behalf on substantial legislation during the coming session of the Maine Legislature to correct these problems—one, the lack of shelter and, two, the lack of substantive law to enable the appropriate agencies to deal with the problems of domestic violence.

The third area that is becoming increasingly of concern to us and that we'll address legislatively is the problem of discrimination in rental housing against families with children. In the urban areas of Maine, housing is a major problem, particularly rental housing. There are shortages and there are high costs. At the same time, there are a large number of families with children who are unable—even if they can meet the costs, even if they can find the rental unit—to move in. They are simply refused rentals.

There is simply no protection available at all in State law for these families. State law does provide protection against discrimination for families that might be receiving welfare assistance. There are, of course, the other protections—race, creed, religion, etc.—but in the last analysis this is a basic, serious, remaining problem for many families in the State, for many low-income families, and one that I hope this committee would address.

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but that larger towns have better guidelines, sometimes prepared in cooperation with Pine Tree Legal Assistance, Inc. Mr. Cohen noted that the State has little authority to step in when a town violates its own ordinances, although in some instances the State can withhold its reimbursement to local governments for general assistance program expenses.

Finally, there is the area that I alluded to a few minutes ago—State agencies. Pine Tree Legal Assistance finds itself very often in the position of trying to enforce statutes, appropriations, and other measures that are supposed to be carried out or executed by various agencies of State government. To give you a prime example of this, in 1977 the Maine Legislature passed a law requiring the department of human services to provide emergency food stamps to individuals in Maine who were in immediate need of assistance, had no money, and went to the department for assistance. We worked somewhat with the department of human services in drafting policies and regulations to carry out that particular statute.

In the last several months we have received a number of complaints from individuals who have been told by staff people and field offices of the department that they are unaware of such a law, unaware of such policies and regulations, and that they cannot provide these families with the emergency food assistance that they need. It's a very disturbing and discouraging problem to us. We think it reflects widespread problems with willingness of State departments to carry out and enforce a number of these laws.

The Congress passed in 1977 a complete revision of the Federal Food Stamp Act. That act, which will go into effect in January [1979] in the State of Maine, affects thousands and thousands of Maine people with respect to the amount of assistance that they will get under food stamps and other policies. On this day, less than 2 months before this is going to take place, the State of Maine and its department of human services have done nothing to let the people of Maine know that changes are coming and that many people will lose their eligibility for food stamps, that a number of other people will find themselves with less direct food purchasing power next year, and what recourse these individuals have both in terms of appealing decisions that might be made because of erroneous information or other circumstances or alternatives that they can use, if available, to make up the differences.

I would urge this committee to consider those kinds of problems in its deliberations and look at what we see is a tremendous need to get State agencies with responsibilities that affect individuals in many important areas to do what they are supposed to do to carry out these programs in a meaningful way and to help people. We don't like having to enforce these statutes. We'd rather spend our time on other kinds of things that are equally important. There's simply nobody else around to do it and it falls on us.

Epilog to Marshall Cohen Statement

During the winter of 1978–79, Pine Tree Legal Assistance, Inc., filed a class action suit charging a number of municipalities with failing to follow their guidelines for administering the general assistance program. That case is now in Federal court. Pine Tree has also prepared a handbook on tenants' rights. Legislation to protect battered spouses was passed by the Maine Legislature in 1979, but has not yet been signed by the Governor.

Maine Division of Community Services

The Maine Division of Community Services is a key agency in combatting poverty in the State. It advises State policymakers on poverty issues, is an advocate for low-income and disadvantaged residents, provides technical assistance to groups administering Federal antipoverty grants, and conducts its own programs directly assisting the poor. Among the numerous programs and services of the division are funding the winterization of homes, maintaining an ombudsman's office and a citizens' hotline, and preparing reports on poverty in Maine.

Bonnie Russell, Affirmative Action Officer, Maine Division of Community Services

One of the major problems that we face is the fact that Federal agencies do not enforce and support their own regulations and mandates. The U.S. Community Services Administration requires each of its grantees to have an approved affirmative action plan in order to receive its funding, but the regional CSA office has only one person in its human rights office. This person is expected to provide technical assistance and training to over 70 community action agencies throughout New England as well as to review and approve their affirmative action plans. This is an impossible task for one person. The result is that, although each CAP in Maine has submitted the major components of an affirmative action plan, the regional office has not yet approved one affirmative action plan in New England.

The CSA civil rights regulations also require that each grantee have an equal opportunity officer, yet no funds are provided to pay this person. The result is that an onstaff person, who already has full-time responsibilities in another position, is appointed to act as the agency's equal opportunity officer. Many times this person has not had any affirmative action training. These appointed equal opportunity officers usually do not have adequate time to carry out their new duties, let alone to seek some kind of training or to do extensive reading in the field.

It appears that Federal agencies are putting minimal effort into their commitment to civil rights. We feel that civil rights should be a major priority of Federal agencies—not something which Federal regulations declare to be important but are not enforced. We would like to see pressure brought on the Federal Government to enforce and support its own regulations.

A major problem in Maine is a lack of understanding of civil rights. Most people in Maine would respond with a positive attitude when they heard the words "civil rights," but they are thinking in terms of guaranteeing the rights of black Americans and other racial or ethnic groups as full citizens of this country. To these people, civil rights seems to have little relevance to Maine and to them. They are not thinking in terms of the civil rights of women, of the elderly, of the handicapped.

Most of these people would not know the meaning of and indeed would be afraid of the words "affirmative action." There needs to be a concerted educational effort in Maine. This educational effort should be a sensitivity program which would explain the benefits of affirmative action on the entire society and which would make people aware of inbred prejudices and unconscious attitudes.

There should also be training programs for employers. These training programs should cover proper interviewing and evaluation procedures. Employers should be made aware of and learn how to combat inadvertent discrimination. Employers also need to be shown how to conduct orientation programs explaining affirmative action to their employees.

The Maine Human Rights Commission works in these areas at the present time. However, the commission does not have the time, the staff, or the funding to be able to reach all Maine employers and citizens.

In our position as a State antipoverty agency, we are concerned with the problems of the unemployed and the underemployed in Maine, since these people are generally at or below poverty level.

The State Planning Office and Division of Economic Opportunity of the Executive Department of the State of Maine published an updated report, entitled *Profile of Poverty—Maine: A Data Source,* in January 1975. This report showed that based on the 1970 census 17.4 percent of the population of the United States was at or below poverty level, while 19.9 percent of the population of Maine was at this level.

The Manpower Research Division of the Employment Security Commission of the Maine Department of Manpower Affairs published a report called *Women and Minorities—Labor Force Statistics* in September 1977. The following, 1976 figures were published in this report: unemployment rate for white males in Maine—8.9 percent; unemployment rate for minorities in Maine—13.8 percent; unemployment rate for women in Maine—10.6 percent. Women made up 38.9 percent of the employed residents of Maine and 47.4 percent of those people who were unemployed.

In August 1978 the United States Commission on Civil Rights published a report on *Social Indicators of Equality for Minorities and Women.* This report showed that in the United States in 1975 a family whose head of household was a white female was more than twice as likely to be living in poverty than families whose head of household was a white male. Families whose head of household was a black female were more than five times as likely to be living in poverty than families whose head of household was a white male. Families whose head of household was a black male were more than three times as likely to be living in poverty than families whose head of household was a white male.

These three sets of figures show a need for training and educational programs to provide better job opportunities for low-income people and that the low-income people who need these programs the most are women and minorities.

The Maine Department of Human Services runs a program called the work incentive program—WIN. This program, which is funded through the U.S. Department of Labor, has been a very successful program in the past, providing classroom and on-the-job training for AFDC recipients. WIN, however, has a history of placing women in stereotyped,

low-paying positions. Women and minorities in Maine cannot move out of the low-income cycle if they do not have the opportunities to train for better paying jobs.

The WIN program has recently begun to change its image. Nine AFDC mothers have been placed with the Kennebec Valley Community Action Program to be trained as carpenters with the Kennebec Valley CAP's weatherization program.

Present training and educational programs must be expanded. New programs need to be developed with the needs of women and minorities in mind. All educational and training programs must be closely monitored to guarantee that women and minorities are recruited and are not racially or sexually discriminated against in these programs.

3. Race, Ethnic, and National Origin Discrimination Issues

The popular image of Maine is unlikely to include any minority groups, who are normally cast against backdrops of urban bustle, the plains and deserts of the West, or the farmlands of the South. Yet Maine has its minorities—both racial and ethnic; and any summary of the status of civil rights in the State would be incomplete without the story of these minorities.

Maine is like every other State of the Union in the complexity of its ethnic and cultural history. There have, for instance, been blacks in Maine for several hundred years. The history of the French-speaking minority in Maine parallels and in some areas antedates the presence of the English-speaking. Finally, the Native Americans precede any European presence in the area.

Despite the long histories of these three groups in Maine, they are numerical minorities and share in various ways the social, political, and economic disadvantages that befall minority groups throughout the Nation. In addition to these groups, for whom specific comments were solicited at the consultation, there is an Hispanic population and a small but growing number of Indochinese refugees and other Asian-Pacific peoples.

Blacks in Maine

Blacks in Maine fall into two broad categories: indigenous blacks whose families have resided in the State for several generations and newcomers who have migrated to the State, attracted either by jobs or the setting and way of life. As might be expected, these two groups differ politically. According to a feature article in the *Maine Times*:

> Until the civil rights movement developed, blacks remained almost invisible in Maine. When they finally opened their eyes, they didn't like what they saw. "Blacks were too complacent. They accepted their conditions," said Gerald Talbot. "Whites controlled the money, the power, had the prestige and college educations. We didn't feel it was possible for us. Blacks weren't proud of being blacks. They wanted to hide. (Phyllis Austin, "Blacks in Maine," *Maine Times*, Dec. 3, 1976.)

Blacks in Maine remain hidden, despite recent activities by various civil rights groups. The *Maine Times* article also reports:

> While Maine blacks agreed it's vital in the future to join together, they are skeptical whether it can be done because of the political differences between the native conservative Mainers and the liberal natives and newcomers.
>
> Talbot looks to the NAACP in Portland and to the church for stronger guidance. The Maine NAACP has never been an influential organization. . . .
>
> "It took us 10 years to get a policeman on the Portland police force," said Gerald Talbot, a past NAACP president. He doesn't think blacks should wait 10 more years to get a black fireman.
>
> The Portland NAACP chapter is electing new officers in a couple of weeks, and Talbot said both the candidates are aggressive leaders who can be expected to fight for equal opportunities for blacks.

Even with the migration of blacks from elsewhere in the country, the black population was only 2,816 in 1970 and was projected at 3,153 in 1978 (0.3 percent of the entire population). The size of the black population has led Gerald Talbot to label blacks in Maine a "minority within a minority."

Trying to describe the actual conditions and characteristics of this "minority within a minority" is complicated by both the history of blacks and their small numbers. If one looks at income and employment statistics for this population, however, familiar patterns emerge. According to the same *Times* article:

> The prejudices of New England whites, which blacks think are fed by the way television usually portrays them, have made it harder to get the kinds of jobs they want or to integrate positions traditionally held by whites.

One consequence of this circumstance has been even lower incomes for blacks in a notoriously impoverished State. In 1969, for example, black Maine families averaged $6,191 in income while white families received $8,205.

The Maine Department of Manpower Affairs in 1979 published a report, *Women and Minority Labor Force in Maine.* According to that report, which relies on 1970 census data, 543 workers out of a work force of some 365,850 are black (0.1 percent). It is noteworthy that this figure for black work force participation is well below the black 0.3 percent of the State's population.

In most occupational categories black workers represent between 0.1 and 0.5 percent of the occupation, conforming fairly well to the overall population figures. While those occupations in which blacks exceed 0.5 percent of the work force are "professional" and "skilled" workers, a less encouraging picture emerges if one compares the distribution of the black work force among the various occupational categories. Such an analysis shows that "service and household" workers comprise a full 29 percent of the black work force compared to only 12 percent of the total force. For seven of the remaining nine occupational categories, the percentage of blacks is *lower* than the overall work force percentage. More than half of the black work force is concentrated in three categories: professional and technical, 15 percent; service and household, 29 percent; and laborers, 7 percent. These three categories in the entire work force represent only 30 percent.

In terms of the typical thrust of affirmative action, blacks in Maine do not seem to fare too badly. The percentage of the black work force engaged in professional and technical occupations exceeds the statewide percentage. Yet blacks in Maine conform to a pattern of concentration in unskilled categories of work.

This employment pattern obviously applies to the adult population. To change this pattern will require special attention to the problems of black youth. The black youth of Maine represent a prospective pool of future workers who can supplement the ongoing immigration of black professionals. The following testimony, prepared by Gerald E. Talbot, president of the Portland branch of the National Association for the Advancement of Colored People, raises some distinctive issues concerning the status of civil rights in Maine, with particular reference to problems confronting black youth.

Gerald E. Talbot, President, Portland Branch, National Association for the Advancement of Colored People

Today I want to talk to you about minorities within large majorities, especially young blacks growing up in a totally white America. This is the case in States like Maine, New Hampshire, and Vermont here in New England—States and cities with a very low percentage of blacks and other minorities that don't show up under statistics in our school books, over-the-counter books, census tracts, and such.

Let me also explain and make perfectly clear that I do not believe in or favor a separate society for whites or blacks, for my basic belief is and always has been living in an integrated society—working, helping each other, respecting each other, eliminating prejudice and discrimination.

Being involved with civil and human rights for over some 20 years and being a member of a small black community, it has been my observation whenever attending conferences, conventions, hearings, etc., or in the many articles, books, and magazines that I try to keep up with, that the problems, solutions, and recommendations are geared to States and cities which have large black and minority populations. I do not have a problem with that, for I, as you do, understand what must be done. However, that leaves the small black community and other

minority communities in a vise-like grip trying by themselves to cope with the same problems and the same, more subtle forms of prejudice and discrimination that black communities know and feel exist regardless of size. I speak of support—financial help, education, social and political backing—in order to support and uplift ourselves in the struggles for equality.

I especially address a more severe problem within the one mentioned above. That is the pressures on our black youth brought up in a totally white America, who—going out of State to college or moving to a State or city with a sizable black population—have to face a seemingly much different racial environment, attitudes, social, and economic life. They experience different and more complicated issues—heavier confrontation with the majority and in some cases a split social life, one black and the other white.

Many of us have worked bettering our racial society and have prepared our children to face the adult world—hopefully an integrated world—only to find out that in many cases it is totally confusing, alien to one's upbringing. Along with the pressures of study and financial aid, the pressure mounts, and now he or she is faced with many decisions and in some cases is not able to cope, or must try to cope with little or no support from family (being away from home) and none from the community (too small).

Some recommendations I would like to make are:

1. Statistically, the U.S. Commission on Civil Rights should take a hard look at these areas and locations.
2. Black speakers, educators, and politicians should be encouraged to visit and participate in these or similar communities.
3. Hold hearings and get those minorities who live in such small communities to participate.
4. Make available a vehicle for blacks and minorities who may be in public office in such mentioned communities to attend some programs and functions which take place in other cities, such as the Black Political Caucus, National Black Caucus dinners, etc.
5. Ask other agencies of our government to also look at the balance of the black work force, education system, and social attitudes of these communities.

Epilog to Gerald Talbot Statement

During October 1979 several events involving national civil rights leadership occurred in Maine. The Maine Civil Liberties Union featured national leaders at a forum on affirmative action, and the National Association of Human Rights Workers held its annual convention in Portland.

Monitoring of the 1980 census by civil rights groups also promises to ensure that more accurate information than ever before will be collected regarding minorities, particularly in isolated areas.

The U.S. Bureau of the Census has also built in a focus on rural areas in that expanded questionnaires requesting more detailed information will be sent to 50 percent of all households in communities of fewer than 5,000 population, in contrast to only 16.7 percent of households in larger places.

Franco-Americans in Maine

Although for quite different reasons, Franco-Americans are, like blacks, a hidden minority in Maine. Whereas the "invisibility" of blacks in Maine is largely the result of small numbers, Franco-Americans, or persons of French Canadian and Acadian descent, are at least 14 percent of the State's population. Some estimates place the size of this population as high as 40 percent. The invisibility of the group cannot be attributed to their small numbers, as might be true for blacks in Maine. Rather the invisibility of the group seems to be the result of a number of factors, which include the long history of their presence, relative concentration in certain parts of the State, a stereotyped image as unassertive and unmotivated, and a certain degree of assimilation.

To recoin a phrase, Franco-Americans have been perceived and treated as a "silent minority." The group has not been judged to have experienced debilitating past discrimination and hence has not been deemed in need of affirmative action or similar remedial programs. Franco-Americans' status as a "national origin" group, however, does provide them with basic protection against any current discrimination. However, to assess the existence of such discrimination or of nondelivery of services requires some form of demonstration, which in turn requires some data analysis on the population in question. Those data have been lacking. The report cited earlier that provides a breakdown by profession for the 543 blacks in the work force in Maine provides no information on Franco-Americans except for the following footnote:

> Not included in the. . .ethnic minority statistics are those individuals who, in 1970, reported French as their mother tongue. They totalled 141,489, or 14.2 percent of the population, making them the largest ethnic group in Maine. (Maine Department of Manpower Affairs, *Women and Minority Labor Force in Maine,* January 1979, pp. 17–18.)

Trying to sort through the status of the group leads to a dizzying "Catch-22" effect: To the extent one can prove discrimination one will receive the full aid of the State to assure equal protection of the law and remedial action for past discrimination, *but* in order to prove such, one must provide data—data that are not collected because discrimination has yet to be demonstrated!

Much of the confusion surrounding the Franco-American population in Maine derives from the history of the group. There have been French in Maine for as long as there have been Europeans in the New World. The majority of the current Franco-American population in the United States migrated between the years of 1830 and 1930; in 1978, 71 percent of the State's foreign-stock population was from Canada (most of them French-speaking).

The causes of this migration varied over the years. At certain points political pressures in Canada served as "push" factors, while at others jobs and available farmland acted as "pull" factors. In Maine's sparsely populated and rugged setting, the pressures to assimilate and acculturate were not as severe as those that greeted trans-Atlantic migrants in the industrial urban centers of the Eastern seaboard. As such, these French Canadian immigrants retained their language and a great deal of their culture for several generations beyond America's other better known "white ethnic" or nationality groups.

Whereas the recent surge in cultural assertiveness and ethnic pride characteristic of nationality groups testifies to the costs of assimilation—loss of cultural identity—failure to assimilate also has its costs: prejudice, discrimination, and nondelivery of services. To be sure, assimilation has occurred to a certain extent among the French-speaking; many names have been anglicized and there are many Franco-Americans who are no longer conversant in French. As seems true to almost all aspects of the group's situation, the apparent partial assimilation cuts both ways. Although it may facilitate greater acceptance and decrease exposure to prejudice and discrimination for those who partially assimilate, the anglicization of names contributes to the undercount of Franco-Americans, and such undercounting has negative consequences for the delivery of services.

There are certain fronts on which progress is being made, primarily provisions for bilingual education. Programs are springing up in public schools that recognize the right of any American child to a full and complete education regardless of primary language. In addition, in areas believed to have high concentrations of French-speaking persons, attempts are being made to provide services in French. Yet neither of these—bilingual education nor delivery of services in French—addresses the crucial issue of whether Franco-Americans are receiving equal protection under the law or whether they continue to suffer the consequences of past or present discrimination.

At the consultation, the representatives of the Franco-American community who had been invited and scheduled to give statements were at the last minute unable to attend. Advisory Committee member Madeleine Giguere was placed on the agenda as a substitute. In a statement similar to one she had made to the Maine Human Rights Commission on April 21, 1977, she recounted her efforts to promote equal employment opportunity for Franco-Americans at the University of Southern Maine, where she is a professor of sociology. A representative of the University of Southern Maine who had been scheduled to speak at the consultation was also unable to attend.

Madeleine Giguere, Professor of Sociology, University of Southern Maine

I am Madeleine Giguere, professor of sociology at the University of Southern Maine, where I have taught since 1967. I am a native of Lewiston, Maine, and am an American of French-Canadian descent; i.e., a Franco-American, as we call ourselves. I am not representing any specific Franco-American organization here today, although I belong to two local cultural organizations, a Franco-American parish, and two New England organizations of Franco-Americans—the Comite de Vie Franco-Americaine and the Federation Feminine Franco-Americaine. I serve on the boards of directors of these two.

My concern here today is that the University of Southern Maine is in noncompliance with the "Federal Guidelines on Discrimination because of Religion or National Origin" as published in the *Federal Register,* vol. 36, no. 250, Wednesday, December 29, 1971, part 60–30.

Let me say at the outset that as far as I know, Franco-Americans have not been legally defined as a disadvantaged group under Executive Order 11246 as amended; therefore, goals and timetables for Franco-Americans are not required. However, there are certain things that *must be done* for a national origin grouping even in the absence of such a classification. Furthermore, the university has been reminded of those obligations as early as March 30, 1972, and did commit itself to compliance in its response to the "Compliance Review Report" of June 29, 1973, of the U.S. Department of Health, Education, and Welfare's Office of Civil Rights.

Under the "Guidelines" (60–30.2), all employers are expected to undertake three affirmative action measures with regard to a national origin group such as the Franco-Americans. First, the employers should provide:

> internal communication of the employer's obligations to provide equal employment opportunity without regard to religion or national origin in such a manner as to foster understanding, acceptance, and support among the employer's executive, management, supervising personnel, and all other employees and to encourage such persons to take the necessary action to aid the employer in meeting this obligation.

To my knowledge, *this has not been done.*

Second, I *do not know* of any offer "to enlist the assistance of all recruitment sources (including employment agencies, college placement directors, and business associates) for the employer's commitment to provide "equal opportunity" for Franco-Americans. The only action that I know of is the promise of President Miller in January of 1974 at a meeting with Professors Albert Duclos, Norman Lapointe, and myself to send the weekly calendar of the University of Maine to the pastors of those parishes in the USM commuting area officially designated Franco-American parishes by the Roman Catholic Diocese of Portland and listed in "Franco-American Reflections on the Response of the University to the Compliance Review Report," sent to him prior to that meeting.

Third, I *do not know* of any effort to inform Franco-American employees specifically regarding the university's commitment to fair employment practices.

In sum, I see the barest of implementation of the three affirmative action measures incumbent upon the university with regard to the Franco-Americans as a national origin group.

Furthermore, if the underutilization of a particular ethnic minority "is called to the employer's attention (i.e., through a compliance review, complaints from employees, applicants or private organizations, or other means)" the employer is also "expected to undertake a significant number of activities such as those listed below, in order to remedy the underutilization of that particular ethnic minority group." The underutilization has been pointed out to the university at least three times.

1. On page 5 of my letter to the chancellor of 12/9/71 with a copy to the president of USM.
2. In the "Compliance Review Report" of the Office of Civil Rights of June 29, 1973, pages 7, 10–12, and recommendations no. 5 and no. 10.
3. The "Franco-American Reflections" for President Miller of USM on January 22, 1974.

Despite the fact that the underutilization of Francos on the USM campus has been called, and recalled, to the university's attention, *it has not* to my knowledge carried out *any* of the actions called for in the Federal "Guidelines on Discrimination Because of Religion or National Origin" once the underutilization of a particular ethnic minority group has been called to the employer's attention.

1. *The University of Southern Maine* has not to my knowledge reviewed "employment records to determine the availability of promotable and transferable members" of the Franco-American group already employed by the university.
2. *USM has not* established meaningful contacts with the Franco-American origin-oriented organizations for the purpose of referral of potential employees, advice, education, and technical assistance.
3. *USM has not* initiated the use of the appropriate religious and/or national-origin-oriented press for institutional employment advertising such as the *FAROG FORUM* published on the Orono campus, *Le Travailleur* published in Worcester, *l'Union* published in Woonsocket.

4. *USM has not* engaged "in significant recruitment activities at educational institutions with substantial enrollments" of Franco-Americans such as River College of Nashua, Notre Dame College of Manchester, or Assumption College of Worcester, at the college level, or at Biddeford High School, Lewiston High School, Sanford High School, Westbrook High School, or St. Dominic's High School in Lewiston for classified employees.

5. *USM has not* "discussed the employer's Affirmative Action program with leaders of" the Franco-American community and "requested that they refer applicants for employment." A list of appropriate organizations was in appendix E of "Franco-American Reflections," 1/22/74, to which I would now add:

Unite Franco-Americains
Romeo Boisvert, President
Box 1171
Lewiston, ME 04240

Furthermore, under the "Federal Guidelines" (60–30.2c),

> whenever a underutilization of a religious or ethnic minority group is called to an employer's attention, the employer shall then make available for compliance reviews such information as may be reasonably obtainable on the approximate numbers of the various religious and ethnic minorities employed at the job levels in which a question of underutilization has been raised.

To my knowledge, *this was not done* at the last compliance review. *Neither has USM developed the data called for* in the "Compliance Review Report" of June 29, 1973, on the utilization of Franco-Americans as classified employees.

Using surnames as an indicator as is done for the Spanish minority group, this data could be generated by using the French-Canadian surname list in: Regional L. Olivier, *Your Ancient Canadian Family Ties* (Logan, Utah: The Everton Publishers, 1972).

These facts demonstrate that the University of Southern Maine is not in compliance with the "Federal Guidelines on Discrimination Because of Religion or National Origin," despite the fact that the university specifically committed itself to doing so on page 10 of its response to the "Compliance Review Report" of 6/29/73 of the Office of Civil Rights of HEW.

The facts are clear: There is an underutilization of Franco-Americans by the University of Southern Maine. In a State in which 22 percent of the population is of the French language grouping and in which 50 percent of the grouping lies within the service area of the University of Southern Maine, only 7.4 percent of the personnel listed in the 1978 USM catalogue have a French-Canadian surname or are known Francophones. The underutilization has been called to the university's attention at least four times (the three listed above and at the Maine Human Rights Commission hearings, 4/21/77). The university has committed itself to carrying out the "Federal Guidelines on Discrimination Because of Religion or National Origin" with regard to Franco-Americans, but it has yet to implement this commitment.

Epilog to Madeleine Giguere Statement

Professor Giguere states that in the time since she first raised these concerns before the Maine Human Rights Commission the University of Southern Maine has met many of its affirmative action obligations. (The initiatives taken by the university are outlined in a letter from Beth I. Warren, director, Equal Employment Opportunity Office, University of Southern Maine, to the New England Regional Office, U.S. Commission on Civil Rights, September 6, 1979.) Professor Giguere contends that the only outstanding obligation remaining for the university is to review employment records to determine the availability of promotable and transferable employees.

The 1980 census promises to yield information that heretofore has been lacking regarding the characteristics of Franco-Americans. For each State, the Census Bureau will tally responses to an ethnic self-identification question and proceed to publish the social and economic characteristics of a number of designated ethnic groups (which include "French" but not "French Canadian") and also of the four additional largest groups as recorded through the self-identifications. Obviously, precision in the self-identifications bears heavily on the reliability of the count. A misunderstanding by the respondent as to the appropriate self-identification could lead to classification under a group other than that the respondent intended, for the Census Bureau has established distinct counting codes for "French," various part-French ancestries, "Acadian," "Canadian," and "French Canadian."

Professor Giguere is now serving as Chairperson of the Maine Advisory Committee to the U.S. Commission on Civil Rights.

Native Americans in Maine

The U.S. Census Bureau recorded some 2,195 Native Americans in Maine in 1970. According to this official tabulation, the oldest of Maine's major racial and ethnic groups was the smallest in number. However, there is evidence of a serious undercount, and a 1976 study by the Central Maine Indian Association estimated the population at close to 4,000 persons. According to the association, this population consisted of 2,600 off-reservation and 1,300 on-reservation Native Americans. This population is concentrated in the northern region of the State, in Aroostook, Penobscot, and Washington Counties.

Although sharing many attributes and circumstances in common, this Native American population is far from monolithic or homogeneous. For instance, the two larger groups, the Penobscot and Passamaquoddy, have tribal lands (reservation or trust), while the smaller two groups, the Micmac and Maliseet, have none. This distinction between reservation and nonreservation dwellers is far more than a matter of mere demography. The American Indian Policy Review Commission's *Report on Urban Non-Reservation Indians* (1976), a publication of national scope, admitted that:

> A visible absence in the needs assessment of this task force is that for rural nonreservation communities, particularly offreservation bordertowns. Problems of these areas, it should be noted, far surpass a mere echoing of reservation or rural Indian community problems. Without doubt, these areas form a front in all areas of conflict between cultures. The very nature of their problems are so pervasive that few agencies have actively worked toward any assessment of the tangled interrelated problems.

In light of its own shortcomings, the task force recommended simply:

> That those agencies responsible for the care and trusteeship of all Indians take all measures necessary and within their means to assure that the needs of rural nonreservation communities in all areas be adequately and meaningfully assessed.

The task force noted that the "primary studies by various State agencies of the U.S. Civil Rights Commission have uncovered numerous problem areas," but went on to note that the "brunt of the statistical analysis lies far in the future." In 1974 the Maine Advisory Committee reported in *Federal and State Services and the Maine Indian* that:

> half the Indians in Maine are not receiving State Indian services because they live off reservation. . . .Both State and Federal services have been withheld from a people whose need for assistance is tragically evident. Unemployment among Maine Indians as of 1973 was reliably estimated at 65 percent; a 1971 survey of off-reservation housing for Indians found 45 percent substandard and poor; health studies of the Maine Indians reveal chronic and severe problems of alcoholism, malnutrition and disease. . . .

During the years since those findings were reported, the existence of Maine Indians has become well-known across the country. This notoriety is primarily the result of the ongoing litigation and negotiation involved in a land-claims suit over some 12.5 million acres of land. Some observers have characterized the spectacular and occasionally hysterical press coverage this suit has received as another example of a "blaming the victim" syndrome evident in many of the civil rights issues in the United States. One fruitful result of the litigation has been the formal recognition of the Penobscot and Passamaquoddy tribes (with the attendant recognition by the U.S. Bureau of Indian Affairs and the U.S. Indian Health Services), but the circumstances for nonreservation Indians (including all Micmac and Maliseet) have improved very little. A crucial step has been taken by the State of Maine with the establishment of an office of off-reservation Indians within the State department of Indian affairs. Yet as one witness described the situation, the nonreservation Indians have been subjected to the wrath of a confused non-Indian population which believes that all Maine Indians will be "on easy street" as the result of the suit. This further substantiates the finding of the task force, mentioned earlier, that nonreservation Indians are in the most vulnerable position in a "conflict of cultures."

There is no longer any question but that the Federal Government is obligated to "appropriate monies. . .'for the benefit, care and assistance of Indians throughout the United States'." As the

testimony will demonstrate, however, there is a continuing need to monitor and improve on the fulfillment of this obligation by the Federal Government in the State of Maine.

Rev. David Rudolph, Staff, Central Maine Indian Association

The Central Maine Indian Association is an association of off-reservation Indians that was formed and incorporated in 1975 in order to advocate for the needs of off-reservation Indians in Maine's southern 15 counties. We have offices in Orono and Portland. Our current effort is to act as advocacy support to our constituents who find themselves in jeopardy or family crisis. This includes assistance in cutting what we prefer to call the "white tape" to services or general assistance. Core staff are also involved in advocacy for community planning, legislative or policy reforms of current laws or policies, etc.

Some issues we wish to address are the backlash effect of the land claims suit, health needs and treatment, access to Title XX services, and foster care services.

First, the effect of the land claims suit on off-reservation Indians. Due to the extremely hysterical handling of publicity, both the reporting of it and the generating of it, by certain State authorities and news media, the general populace has had two reactions that are adverse to the off-reservation Indians:

1. "Well, you don't need any assistance, you're taking one-half of the State away from us."
2. "Now that you are rederally recognized and getting all those services from the Feds (Bureau of Indian Affairs and Indian Health Service) you don't need our assistance."

Neither statement, however, is true for the off-reservation Indian. If he or she is Maliseet or Micmac, no benefit accrues from the suit. Even if he or she is Passamaquoddy or Penobscot, little will be available to him or her as long as he or she lives off the reservation. Those Federal monies may provide employment opportunities, some services, etc.; but if, say, Indian Health Service remains true to form, they will budget only enough to provide services for the reservation dwellers. What is true is that the off-reservation population still needs to be able to receive, without such hassling, adequate health and social services. Our census study of 1975–1976 indicated the following:

- A work force unemployment rate of 47 percent;
- A school dropout rate of 44 percent;
- A median family income of $5,988 with an average family size of 4.1;
- A divorce rate 286 percent higher than Maine's; and
- A single-parent family rate 147 percent higher than Maine's.

Therefore, it is clear a greater percentage of our families are in jeopardy. We have clients who:

- Have been requested to pay back a portion of general assistance even when the towns are reimbursed for assistance to Indians at 100 percent;
- Have been put on public housing waiting lists and who have not been served when they know other families have been who have not been on the list. A clear problem exists in that policy and priorities, though established, are administered unequally;
- Have been refused general assistance because they are Canadian born and therefore are Canadian citizens.

In most of these cases, some snide references are made to the suit. Only rarely have our outreach workers received kind receptions.

Second, health needs and treatment. From our census data we also found that 61 percent of our population has no access to health care resources due to the lack of health insurance. This automatically creates problems for most of our population:

- Most are not aware that some medical assistance can be secured from the general assistance resource of their town of residence. So they go to the hospital, receive the bill, come to us for aid and, due to regulations, the town is no longer able to help as they weren't notified *before* health care was initiated.
- By law the State's department of Indian affairs administers general assistance, but only for Indians on the reservation. So the off-reservation Indian has to face town welfare officers who are kept in office as long as they keep the welfare budget down.
- The "marketing of services" by resource agencies leaves much to be desired. We are sure many people eligible for services are not aware of their existence and therefore don't go to them.

Treatment is usually at the welfare level. Often the backlash affects this effort as well because of the

general image of the Indian in Maine. Alcoholism treatment accessibility is virtually cut down to only one facility in the State because of this and the lack of appropriate staffing of these programs. Even the State office of alcohol and drug abuse programs recommends in its State plans, since 1975, that Indians are better able to serve Indians; yet, Title XX and alcohol services monies from the National Institute on Alcoholism and Alcohol Abuse have been cut back. Central Maine Indian Association has access to one outpatient counselor for its territory, and he has little mileage money.

Issues *three and four* are handled together: foster care and Title XX access.

As has been stated several times before, in other hearings, foster care and family disintegration are a major issue for our constituents. Many Title XX monies are being used by the State to address child abuse, child welfare—protective and substitute care—services. For the last year and a quarter we have been studying the problem under a grant—"Northeast Indian Family Structure (Support" Project. To get refunded so we can continue this project, Washington authorities demanded we secure second and third-year commitments for State Title XX dollars. We did make appropriate presentation during the plan development process, followed it up, only to have the project given no priority. Even if we had been given consideration for this research and demonstration (R&D) project, no commitment could have been made until after our refiling date of July 1 of this year. This is because the planning process goes from October to September of the next year. By the way, the effort we are making in the project is to:

- Examine the Indian family structure to find alternatives to removing Indian children at 19 times the rate non-Indian children are in Maine; and
- Examine State laws, policies, and regulations and ask for reforms of them that are culturally relevant—85 percent of the children are placed in non-Indian homes.

Even though the project is in essence evaluating the Title XX services, and funded from Federal Title XX R&D setasides, staff training monies/programs are not accessible according to the regulations: We are not a service delivery contractor in Maine.

Central Maine Indian Association, by policy and practice, continues to address each of these problems by case advocacy, policy change advocacy, etc. One of the latest major efforts was the support and modification of the Indian Child Welfare Act of 1978, signed into law by President Carter November 8. It now will set aside some service monies for off-reservation Indians; formerly it only dealt with Federal-recognized reservation dwellers. Currently we are involved in advocacy for our constituents in a Title XX reform effort.

But in all our efforts we wish to call upon all people to be aware that none of the Indians of Maine are "land hungry," that they have needs in order to face the "great white way," and have little chance at doing so if they are constantly harrassed or treated with suspicion. Please, may the true story be heard.

John Stevens, Governor, Association of Aroostook Indians

I feel that the Aroostook Indians are being ignored. They are always being put into a situation where they are included with benefits received with other Indians who are living on reservations, but this is not the fact. The fact is that they are being excluded by local tribal governments because they are not members of the tribe. Someone mentioned this morning that there are 3,200 Indians living off reservation who are not included in this count.

The brunt of the backlash created by the Indian land claims suit is being borne by the Indians who are living off reservation. They face it daily—when they work, when they go to town to shop, when they ride local buses. These situations occur all the time. They are labeled that they are going to be receiving all this money, that they are independently wealthy, that they won't be needing any services from the town or any other agency. This is not the fact. They are excluded from receiving any of these benefits.

I am thinking of litigation on the part of the Association of Aroostook Indians because Indians who are living off reservation have the choice to live where they choose, and I feel that the laws in the State prevent them from achieving their independence because they are Indians, and not only the laws in the State here but on the national level.

I want to mention one of the laws excluding Indians who are living off reservation. It has mainly to do with health services delivery. They are picking up Indians all over the United States but not in the State of Maine. I don't know why it is. I have contacted attorneys to look into possible litigation against the Indian Health Service, which is responsi-

ble for services to all of the Indians here in the United States, but they are excluding the Micmac and Maliseet. There must be a simple solution to this, but there are problems like this all over the State of Maine.

Some of it is discrimination by Indians against other Indians in the State who were brought in by the State of Maine for the labor force. Most of these Indians are migrant workers and they choose to settle here. They've been here many, many years, and I feel the State has some responsibility for the education and welfare of these people.

As far as Aroostook County is concerned, there are a lot of poor whites in the area, and they are in competition for the same buck. We are in the same boat as a lot of white people because the economy of the county is only potatoes and a few dealerships, some potato chip industry. There's really no big industry like a papermill that could help the employment situation there. It's a really bad situation where we are in competition with low-income whites and it's vicious.

I think the State has discriminated against Aroostook County because of the funding level that it has for Aroostook County. I have taken part in some of the hearings that they have for Title XX funds and other funds like alcoholism and CETA programs. We have an input, but every time there's an allocation, it's the lowest for Aroostook County, and sometimes nonexistent. So I would look into the aspect of those Federal dollars coming into the State. Ninety percent of it goes to the Portland, Biddeford, and Lewiston areas, and none in Aroostook or Washington Counties.

There are a lot of problems in the schools—when you walk into a school you can feel the tension between the Indians and the whites. There's an image that the Indians present. It's compounded by alcoholism of a lot of Indians that is visible in a lot of towns. I think that the school system is not geared to deal with Indian culture or Indian language or even history. We just hired a woman who is going to be dealing with children who are problems in the educational system and through her we'll try to find out how many kids we do have in the school system. We wrote to all the superintendents in Aroostook County and we had very few replies—I think, two.

4. Sex Discrimination Issues

Maine Commission for Women

The Maine Commission for Women advises the Governor and the legislature regarding the needs and status of women in the State, conducts informational campaigns regarding the rights of women, carries out research regarding the status of women, and encourages women to seek elective office.

To fulfill its mandate to inform women of their rights, the commission published in 1977 a manual, *The Legal Rights of Women in Maine.*

During 1978 the commission's programming emphasized the theme "Women in Employment—In and Out of the Home." One result of this effort is *A Handbook for and About Working Women in Maine,* prepared by the Maine Commission for Women in collaboration with the Research Division of the Maine Department of Manpower Affairs.

Marilyn "Jo" Josephson, who researched and wrote the *Handbook,* discussed working women at the consultation.

Marilyn "Jo" Josephson, Consultant, Maine Commission for Women

My brief presentation shall focus on working women in Maine: their occupations and their employers. It shall consist of a sampling of statistics contained in two new publications prepared for the Maine Commission for Women and the Maine Department of Manpower Affairs. The publications— *A Handbook for Working Women in Maine* and an affirmative action guide for Maine employers—were not intended to document discrimination, but rather to establish a statistical base on working women in Maine.

Whatever the intent, the statistics assembled indicate that Maine's labor force is indeed a highly segregated one. There are women's occupations and women's industries, and both are poorly paid. The segregation of working women results not only from overt discrimination but also from the stereotyping of women by all segments of society—the educational and employment institutions as well as women themselves.

It is a tribute to women that despite the above and the responsibilities of the dual career that so many women bear, so many have accomplished so much in the paid marketplace to date.

Looking first at what occupations women are poorly represented in:

Managerial: In 1976 approximately 5 out of every 100 employed women in Maine held 1 out of every 5 managerial positions in the State; in contrast, 13 out of every 100 employed men in Maine held 4 out of every 5 managerial positions in the State. As a result, Maine ranked 36th in the Nation in the distribution of women employed in managerial positions. Maine held this position along with Arkansas, New Hampshire, and North Carolina.

More detailed statistics in the public and private sector revealed that:

- In 1976–77 while over 61 percent of full-time public school staff in Maine were women, they only held 5 percent of all administrative positions and 7 percent of all principalships;
- In 1977, 2 out of every 100 women employed in Maine State government were in managerial-administrative positions, compared to 7 out of every 100 men;

- In 1976 women held 18 percent of the managerial positions in banking in Maine, although they constituted 67 percent of that industry's work force; and
- In 1976 women held 5 percent of the managerial positions in the manufacture of electronics equipment in Maine, although they constituted 53 percent of that industry's work force.

Craftsworker: Despite the fact that the term "craftsmen," which includes plumbers and pipefitters as well as bakers and bookbinders, was replaced recently by the neuter "craftsworker," there are very few women in Maine who are in or preparing to enter this lucrative field.

In 1970 Maine women held 4 out of every 100 craft jobs in the State; in 1976 they held 6 out of every 100 such jobs. This is not surprising, for in 1977, 23 women represented 1.7 percent of those enrolled in registered apprenticeship programs in Maine. In that same year approximately 6 out of every 100 women in vocational education programs were enrolled in trades and industry programs where most skilled workers received their training; in contrast, 30 out of every 100 men were enrolled in such programs.

Where, then, are Maine women employed?

Clerical and Service Workers: Between 1960 and 1976 the number of working women in Maine increased by 63,000. Two-thirds or 42,000 of these women entered the clerical and service occupational categories—traditionally female categories.

In 1976 approximately 50 percent of the estimated 173,000 working women in Maine were employed as clerical and service workers—two broad occupational categories where women earn only 64 percent of that earned by men working in these categories.

It is interesting to note that 49 out of every 100 women working in Maine State government in 1977 were office-clerical workers; in contrast, only 5 out of every 100 men in State government were in this category. It is also interesting to note that over 41 percent of the women in vocational education in Maine were enrolled in office training programs; in contrast, only 5 percent of the men in vocational education were enrolled in such training.

A brief look at the industries Maine women are employed in again reveals segregation, for not only are there "women's occupations," there are also "women's industries." For example, women have a poor participation rate (13 percent) in Maine's second largest and highest paying manufacturing industry—the paper and paper products industry. In contrast, women have a high participation rate (57 percent) in the leather and leather products industry—Maine's largest manufacturing industry and one of its poorest paid industries.

I should like to conclude this brief presentation with the following suggestion: While much effort is currently being placed in moving women into nontraditional occupations and industries, some of it should be redirected in reappraising "women's work." For every woman who becomes a high-paid welder or administrator, there are hundreds who will remain working at traditional "women's work" in offices, hospitals, and schools. It is time to identify "women's work" as undervalued in comparison to dissimilar male work. It is time to start emphasizing equal pay for comparable work. For as one writer put it: "Where was it writ that a clerical worker is worth less to a company than a truck driver?"

Epilog to Marilyn Josephson Statement

In July 1979 Governor Joseph E. Brennan announced a new training and employment program for women, to be administered by the Maine Department of Manpower Affairs. The Governor cited the *Handbook* in explaining the need and goals of the program, which is targeted for displaced homemakers, female heads of households, and single mothers who are economically disadvantaged, unemployed, or underemployed. Full implementation of the program was scheduled to occur in November.

Jean Fallon, Chairperson, Maine Commission for Women

Ms. Josephson's report was based entirely upon facts—documented, researched situations as they are. I now want to talk about some situations *as they seem to be.*

Because we are a commission for women, women will come to us with complaints and problems. We go out to speak to women's groups, and questions from the audience reveal problems. I cannot give you numbers. In most cases I do not know anything about the reliability of the informants. We are not an investigative agency, but because we have heard similar complaints so many times, it seems important that they be brought to your attention.

1. We are told that age is a barrier to employment and to advancement in both State government and the private sector. The age to which I refer is

not necessarily 65 or 70; it may be 45 or 50. Perhaps the representatives from the bureau of the elderly will address this problem with specific information.

2. We are told that the affirmative action program within State government is woefully weak in most departments. There is a new State affirmative action officer. He is very anxious to remedy the situation. He has no staff. There are 10,000 to 12,000 State employees. Thirty-seven percent of them are women. How much can one person, however dedicated, be expected to do? I should note that because we are a State agency we are more apt to hear complaints about State agencies. We do *not* know if the same conditions exist in the private sector.

3. We are told by women who work in the private sector that the word is: If you are brave enough to go to the human rights commission with a complaint about being passed over for advancement or equal pay for equal work, you had better—I quote—"be ready to pack your bags." Whether or not this is true, its *perception* as truth by numbers of working women forces them to suffer discrimination.

4. We are told that many artificial barriers exist for those women who for a variety of reasons must return to the work force after many years as full-time homemakers: tests that ask for information not relative to the position sought; refusal to recognize volunteer experience in lieu of paid work experience.

The list of things as they *seem*, as compared to things as they *exist*, could go on and on. Because of our limited resources, the Maine Commission for Women can speak with full knowledge to only a few areas important to the civil rights of Maine women.

It is our belief that the civil rights of Maine women must be guarded zealously, that attitudes are of the utmost importance, that unintentional discrimination is as devastating as calculated discrimination, that subtle discrimination is even more demoralizing than blatant discrimination, that discrimination does exist.

What are we doing about it? We have available a publication, *The Legal Rights of Maine Women*, which covers in a simple question-and-answer format those areas of law with which women are most concerned. We will have available soon *A Handbook for and About Working Women in Maine*, which will include sections on pregnancy disability and rights of specific interest to working women. We have subcommittees working on the problems of job reentry, job sharing, flexitime, women and finance, and International Women's Year resolutions.

Within our limited resources we will do what we can to educate Maine men and women about their civil rights. We will attempt to interest appropriate groups and agencies to do the same. We will continue to monitor the progress of women in areas in which civil rights are a prime factor. We will call discrepancies to public attention.

We present this paper to the Maine Advisory Committee to the United States Commission on Civil Rights with one cautionary note. We have no way of knowing to what degree traditional attitudes not only of men, but of women themselves, impact upon certain areas in which the greatest discrepancies exist. This suggests to me that it is absolutely imperative that the implementation of the civil rights of Maine women be scrutinized constantly and carefully.

Epilog to Jean Fallon Statement

In 1979 the Maine Legislature for the first time appropriated funds to staff the Maine Commission for Women. An executive director and a staff assistant will be hired. Previously, the commission had relied on CETA and other sources to pay its staff.

The current chairperson of the commission is Ruth Joseph.

National Organization for Women

JoAnne Dauphinee, Maine Coordinator, National Organization for Women

Maine NOW is a division of the National Organization for Women. Organized in the early 1970s, our founding was due in large part to widespread sentiment that Maine should ratify the Federal Equal Rights Amendment. Our purpose is:

> to take action to bring women into full participation in the mainstream of American society now, exercising all privileges and responsibilities thereof in truly equal partnership with men. This purpose includes, but is not limited to, equal rights and responsibilities in all aspects of citizenship, public service, employment, education, and family life, and it includes freedom from discrimination because of age, marital

status, sexual preference, or lifestyle. (National Bylaws, Article II)

We have organized public rallies, marches, conferences, demonstrations, speeches, fundraisers, and lobbying efforts in Maine and participated on regional and national levels. We are available as speakers to other groups and to the media, and we have been active participants in groups and coalitions to further the cause of women's rights.

Our analysis of current civil liberties issues evolves from questioning any and all laws and practices which have a negative impact on women disproportionate to men, though we oppose all discrimination based arbitrarily on sex. We are particularly concerned with laws and practices which allow or encourage violence against women, as well as those which perpetuate women's poverty relative to men's. Because we are convinced that the eradication of the legal advantages men now hold in society is the critical building block for securing equal civil rights for women, our major goal remains passage of the Federal Equal Rights Amendment and its implementation in Maine and every State.

Maine NOW is also exploring the feasibility of successfully introducing a bill to amend the Maine rape laws to include spousal rape as a punishable offense. It is questionable whether we will find willing sponsors and supporters, or whether we will have to forego this plan in favor of continued public education on rape issues.

Maine NOW, in our continuing efforts to secure the civil rights of Maine lesbians and gay men, is an active participant in the Maine Coalition for Human Rights. Aside from the more obvious effects of discrimination against lesbians and gay men, the women's movement recognizes still other consequences of denying unjustly to one group the civil rights others enjoy. Professional women, women in nontraditional jobs, social activist women, and especially women who are feminists—lesbians and nonlesbians—all suffer the consequences of being labeled lesbians. Legal discrimination against lesbians undermines the entire women's movement.

Maine NOW will watch the legislature for other opportunities to lobby for progressive civil rights legislation. We believe there will be a bill to provide assistance to victims of family violence. Currently, if you are a Maine woman beaten by a member of your family, you may expect no assistance from the Federal Government, no State assistance, and in most cases, no municipal assistance. Even where assistance does exist it is inadequate and usually functions as an adjunct to the volunteer services of the Coalition for Family Crisis Services.

The Greater Bangor chapter of NOW is currently exploring our members' interest in studying the progress of Title IX implementation in Bangor area schools. We are in the initial stages of contacting individuals, groups, and agencies involved in the study and/or implementation of Title IX.

Epilog to Joanne Dauphinee Statement

The spousal rape amendment was not introduced because NOW assigned greater priority to improving the legal status of and services for battered women in Maine.

Maine Women's Lobby

The Maine Women's Lobby is registered with the State as a nonprofit organization. It is a membership group whose membership fees support the activities of a paid legislative agent. A 15-member board of directors sets policy.

Patricia Ryan, Member, Board of Directors, Maine Women's Lobby

My presentation will be very brief. We're a very new organization and had not have a lot of time to formulate policy on specific issues.

The purpose of the Maine Women's Lobby is to do just that—to lobby the Maine Legislature on bills that are of interest to women, whether they be beneficial or not beneficial. The reason that this organization was formed—which it was over the past summer, becoming official only last month [October 1978]—was that there was no organization in Maine that was interested in women's issues that had the resources to monitor those issues. We felt that that was a serious gap, particularly during the last legislative session when there were many bills of interest to women and those that most women considered important failed.

We do not plan to introduce legislation in the initial session, but to assess proposals for legislation from other organizations and take positions. To give you an idea of the kinds of issues that we will be concerned with, I'll mention three today. One is pregnancy disability legislation, which failed in the last session of the legislature. Another is increased, adequate funding for displaced homemakers' cen-

ters. The third is adequate funding for battered women's shelters.

We currently have about 900 members in the Maine Women's Lobby—women and men. We have a great number of men.

One of the most serious gaps that is going to hinder some of the things that we are going to do is having good solid statistical information that pertains to women. I would say that the Maine Advisory Committee several years ago issued a report on women in State government which has really served as a foundation for a lot of the arguments that have been introduced by women supporting women's issues. Those statistics are obviously getting a little old now and are becoming harder to use. You heard earlier from the Maine Commission for Women, and I'm sure they told you they don't have many resources. They would be the logical agency in the State to handle that kind of thing, but they can't do that.

Your organization was very successful with the report that it issued, and I hope that that would be a focus of some of your activities in the upcoming year.

Epilog to Patricia Ryan Statement

Ms. Ryan is now the executive director of the Maine Human Rights Commission.

Legislation providing for pregnancy disability benefits was passed in 1979, and enforcement of it has become part of the jurisdiction of the Maine Human Rights Commission.

As noted in the "Epilog to Marilyn Josephson Statement," displaced homemakers are one target group of a new State employment training program.

The third priority of the Maine Women's Lobby—funding of battered women's shelters—has been met by an appropriation of $100,000 by the State legislature, to be followed by a second-year appropriation of $150,000. However, it is feared that offsetting cuts in other sources of funds may force these services to continue to operate at the same minimal level.

Maine Teachers Association

Otis Thompson, President, Maine Teachers Association

The Maine Teachers Association is a service organization representing 11,500 kindergarten through high school teachers and 1,000 support personnel, and has recently won an election to represent the 1,000 faculty of the University of Maine.

Today I want to testify on one aspect of civil rights within the State of Maine rather than to give an overview. As I mentioned a moment ago, our largest segment of membership comes from classroom teachers in elementary and secondary school. Of the teachers we represent, 52.4 percent are female. Consequently, affirmative action has had a priority in our organization for a long period of time. This high level of concern was given new hope with the passage of the Code of Fair Practices and Affirmative Action in 1975 and the coming into effect of Title IX, Implementing Regulation of the Education Amendments on July 21, 1976. We expected that, with the implementation of this law and regulations, many of the inequities that female teachers experience in the teaching profession and inequities in educational programs for female students would be corrected. However, with the legislation available it is our belief that the necessary commitment to achieve these changes has not been made by the agencies that have the ability to right the inequities.

The Code of Fair Practices and Affirmative Action clearly places the responsibility for affirmative action within the educational community with the Maine Department of Educational and Cultural Services. The MDECS has three responsibilities under the code: to model affirmative action in its own employment practices, to assist local school districts in writing their affirmative action plans, and to oversee the implementation and review of affirmative action on a statewide basis.

When you review the employment practices of MDECS, there is a lot of paper commitment, but little has been done to improve the status of women within the department. From "Employment and Salary Data" on page 21 of the affirmative action plan of MDECS, the following quotes indicate the lack of improvement:

> Eighty-five (85) percent of those earning $16,000 or more per year are male.
>
> * * * * *
>
> Sixty-five (65) percent of those earning between $10,000 and $15,999 are male; sixty-four (64) percent of those earning between $8,000 and $9,999 are female; and sixty-nine (69) percent of

those earning between $4,000 and $7,999 are female.

* * * * *

Eighty-five (85) percent of the full-time clerical staff in the Department of Educational and Cultural Services are female, the same percentage as in 1976.

* * * * *

Sixty-eight (68) percent of the full-time professional (which includes Official/Administrators) staff in the entire Department are males. This represents an increase of two (2) percent over 1976.

* * * * *

Twenty-five (25) percent of the new hires of full-time professional staff based in Augusta in the Department have been women as compared to thirty-three (33) percent in 1976. Thirty-eight (38) percent of the new hires of full-time professional staff for the entire Department of Educational and Cultural Services have been women compared to forty-two (42) percent in 1976.

We have to question further the commitment to affirmative action by the MDECS when the position of affirmative action coordinator is allowed to remain vacant from March 1977 to February 1978. Why is the position only an advisory one? Why is the affirmative action officer (vocational education) male? Regardless of the answers to the questions, there has been very little done with affirmative action within the department.

Next, as we look at affirmative action implementation on the part of local school districts, it is very difficult to see more than a paper commitment by local school districts. On pages 14–17 of the MDECS affirmative action plan a number of worthwhile goals for education in Maine are presented. But we have to question what a goal means without a definite timetable or a plan of action. For example, goal number 15 speaks to management training for female, minority, and handicapped teachers. The timetable is "ongoing."

What does that mean in terms of definable action? It is suggested that the MDECS work cooperatively with the Maine Teachers Association in establishing training programs, but without a definite plan with deadlines for implementation this goal is easily forgotten.

In preparing for this testimony, a survey of nine school districts was done by the women's caucus of the MTA. The survey was not intended to be a random sample but was intended to give indications of affirmative action practices in local districts. A letter that accompanied one of the surveys indicates many of the problems with affirmative action:

> Here's the questionnaire. It's a rather strange document as our affirmative action officer, who is the superintendent's secretary, really has very little knowledge of affirmative action. All her information filters down from [the superintendent of schools]. Consequently, some information came from [him], some from our affirmative action officer and some statistical information I gleaned from other sources. I have enclosed our affirmative action plan (for better or for worse). [He] can't really remember who wrote it. He does claim credit but says it's taken from the plan of another district. He also says that he doesn't think it's ever been fully approved and has never been reviewed. Heaven help us! When I asked him if employees were aware of affirmative action, he stalled for a time and then said there was a plan and most people have access to it, etc., etc. However, I don't think anyone in the Union knows an affirmative action plan exists.

The nine districts surveyed employ 1,377 teachers and educate 21,209 students. The results of the survey indicate many of the problems highlighted by the previous letter. All nine affirmative action officers are advisory, without any enforcement possibilities. Only one affirmative action officer was the secretary to the superintendent; only one was paid; none had release time to work on affirmative action, except to write plans or attend conferences. There has been very little training for teachers in Title IX responsibilities (one school system out of nine). There has been very little impact on hiring procedures. Awareness of affirmative action by teachers is low, as judged by affirmative action officers. Physical education, shop, and home economic classes have been integrated. Sports are reported as being equal, but there are more offerings for boys than girls. Most coaches are males, with only one female coaching a "boy's" sport. When sports are integrated, the coaches are usually male. The comment of one affirmative action officer sums up the only conclusion that seems to come from the

information we have gathered: "My deepest concern is that no one is taking affirmative action seriously."

I make the following recommendations:

1. That extensive study of affirmative action in the State of Maine be done by an outside agency;
2. That results of this study be made public and given to the legislature;
3. That the affirmative action office be given enforcement responsibilities;
4. That when a school system fails to comply with the law, legal action be required by the MDECS to hold back funding until the situation is corrected;
5. That any other changes necessary be considered by the legislature to remedy inequities found by the study;
6. That the next commissioner have a demonstrated record of support for affirmative action.

Portland Family Crisis Shelter

Buffy Weinberg, Volunteer Worker, Portland Family Crisis Shelter

I'm going to talk about the Family Crisis Shelter in Portland—how it works, its history, its funding. I'm also going to talk about the Maine Coalition for Crisis Intervention Services, about police attitudes, the laws, and some of the needs we have.

The Portland police estimate that there are about a thousand domestic assaults yearly in the vicinity of Portland. The Shelter acts as a safe place away from the immediate crisis. It was started in 1977 by Anne Ladley and Mary Price and has been open since January 1978.

The Ingraham hotline acts as a screening and entry agent. The shelter location is confidential. The shelter has up to 15 spaces, usually for 4 or 5 women and their children. It is open to Cumberland County residents mostly. The women can stay up to 3 weeks, and they have one reentry more if they are in a life-threatening situation.

According to Ingraham statistics, during the first 6 months there were 49 admissions. The average stay was 2 weeks. The duration of abuse ranged from once to 28 years. Twenty-three women returned to their husbands; 26 moved away.

Many abused women have a negative self-image, grew up in a violent family situation, and experienced physical punishment. They live in relative isolation, without anyone to talk to. The abuse is kept secret. The victim feels numb, but wants to help herself and often her children, who are often abused in these situations.

The shelter provides a safe place away from the violent home situation. The woman gets help about the options before her—counseling, legal or medical aid, information about jobs or housing or Aid to Families with Dependent Children.

There is also a weekly support group. There are other abused women from similar situations around, and the woman doesn't feel alone. Many of the women do not want to leave their husbands. They fear loss of security, loss of income, loneliness. They would rather work it out. There is counseling available to husbands. There is a male outreach worker employed at the shelter who has been working with eight men since he came in July.

Followup at the shelter consists of the weekly support group at the YWCA, spontaneous visits at the shelter, and the hotline places calls to the woman's house.

The staff of the shelter consists of one director, three direct service workers, one child development worker, one male outreach worker, a foster grandparent, two university placements, and volunteers. In addition, the shelter works with an attorney from Pine Tree Legal Assistance, who devotes about 60 percent of her time to abused women.

The budget of the shelter is $93,000 for this fiscal year and will go up to $115,000. The shelter will be moving to a bigger space in December. The funds come mostly from Area V Mental Health and from United Way. Some of the positions at the shelter are CETA funded. There is also charity, and the shelter is applying for Title XX funds.

In connection with funding, I'd like to talk about the Maine Coalition for Crisis Intervention Services. It was formed last year and consists of representives from six crisis intervention services of Maine. They meet mostly to exchange services among shelters, to make referrals, and to share experiences. In 1977 they introduced a bill that would allocate Federal funding for six shelters. It was passed by the house and senate but vetoed by Governor Longley. A similar bill is being worked on now.

The Portland Police Department is generally cooperative. There is close contact between the shelter and the police. They are open to advice, they inform women of the shelter, and they accompany shelter residents if they have to go home to get belongings. What is needed is more police training in crisis intervention.

There are no special domestic assault laws in Maine. Pine Tree Legal Assistance is working on a bill to introduce laws specifically applying to domestic assault. As of now, general assault laws and trespassing laws apply. If the husband is not arrested on the scene, this means that there is not adequate protection for the woman. The problem is still not dealt with seriously enough—for instance, the bail is very low, and the maximum jail sentence is 10 days.

There is a need for statistics on general versus domestic assaults to find whether domestic assault cases are dropped more often than general assault cases. Also, there's a need to compare fines and sentences in general assault cases to those in domestic assault to see if there is discrimination going on.

The next thing I want to talk about is needs. We need to increase public awareness of the problem. We need more community support. More police training in crisis intervention is necessary. More money is needed for children's programs at the shelter. We need better integration of the shelter into the community. More male outreach is needed. There should be a task force of women and police on domestic violence.

Epilog to Buffy Weinberg Statement

As noted in the "Epilog to Patricia Ryan Statement," the Maine Legislature has appropriated funds to support battered women's shelters, but the financial security of those shelters remains uncertain.

The current director of the Portland Family Crisis Shelter is Lois Reckitt, a member of the Maine Advisory Committee.

American Civil Liberties Union

Janet Mills, Maine Civil Liberties Union

The Maine Civil Liberties Union is the State affiliate of the American Civil Liberties Union. It is, as you know, an organization devoted to the preservation of civil rights and civil liberties—the civil rights of minorities and women in addition to civil liberties such as the right of privacy, right of free expression, freedom of religion, due process, etc.

We've been involved in recent years in such things as veterans rights and the rights of prisoners, and for a long time in the rights of minorities and women, and an interesting combination of these interests has developed in the last few years. In September 1977 we had a student come to us and begin a project, a volunteer project, concerning women in county jails. I will present to you a brief summary of the findings that she developed during the course of the year.[1]

Briefly, the results of this research, which included onsite inspections of the eight county jails that do have facilities for women, show that women are a minority within the prison and jail population, and that very status causes them unique hardship. The number of women getting out on bail after arrests is pretty high compared to men, while the number of women arrested compared to men is fairly low, so you don't have that large a population in the jails and prisons.

The standards of the Maine Department of Mental Health and Corrections require that women be segregated from other prisoners and that there be matron coverage, etc. The Maine Civil Liberties Union agrees with a lot of these standards, but this report has found substantial noncompliance with them, for economic reasons or otherwise.

We also found that the woman who is arrested and incarcerated in the State of Maine is likely to be between the ages of 25 and 29, and is likely to be single, white, and unemployed. About half of the crimes for which women are arrested are alcohol related, so there is a need for rehabilitative efforts on behalf of these prisoners. Those efforts are not being made, and that's one of the major conclusions of this report.

The fact that only eight jails do have facilities for women, and the fact that separate facilities must be provided for women who are incarcerated, requires a woman to travel a great distance from her home, family, and friends, unlike the situation with men, where they can be incarcerated closer to their home community.

Four of the jails that do have facilities for women were built between 1870 and 1901. The situation with Maine jails is fairly notorious right now. Many of them are old and dilapidated. There are problems with getting the money to renovate or build facilities. I think it is important to point out that this is a particular hardship for women because you not only have the existing dilapidation of facilities that exists for everyone, but that with only eight of the jails

[1] Isabel Beiser, "Conditions Facing Women in Maine County Jails" (March 1978). A copy of the 50-page report is on file at the New England Regional Office of the U.S. Commission on Civil Rights.

having facilities for women, women are restricted even further.

I should add that this report is the result not just of onsite inspections and interviews and demographic data, but that Ms. Isabel Beiser, the student who did this report, spent 48 hours in Kennebec County Jail before that jail was closed. It took her about a year to complete this report and she did a comprehensive job.

With regard to compliance with regulations of the Maine Department of Mental Health and Corrections, she found that although matrons are required to be present whenever a woman is in jail, that is not done, so the woman is segregated and is very isolated physically. There are no dining room facilities in women's prisons. Women have to eat in their cells; men are allowed to go out into the dining areas to eat. Men are often in positions as trustees while women are not, so again they are isolated in their cells. In instances where there are recreation facilities available, they are not often on an equal basis for women as compared to men. The same with libraries—guidelines require libraries to be available to prisoners and they are not available on an equal basis to women.

Counseling services are not available on an equal basis, and—as I pointed out before—almost half the women in jail have problems related to alcohol, and it is obviously important that counseling services be provided. In some instances there are no visiting hours at all, whereas the department guidelines recommend, I believe, 14 hours per week. This is restricted more for women than men because you have to have a matron there—special rules apply to women, yet the guidelines say that women will be treated on an equal basis with men. It is easy to say that on paper, but it is awful hard to follow through, apparently, in the actual situations.

The same situation is found in health care, also in education and vocational training, which is very important to women of this age group. As I pointed out, they are mostly from 25 to 29, single, and unemployed. Obviously, an opportunity for vocational training and educational training is well worth the effort, but they are not given this on an equal basis with males.

I should add in closing that we have found a certain degree of cooperation from the Maine Department of Mental Health and Corrections in approaching this problem. They have been very responsive. I think, however, that it would be of great benefit for the Advisory Committee to help monitor this situation, and I hope that you would find it to be a problem worthy of your consideration.

5. Age Discrimination Issues

Bureau of Maine's Elderly

The Bureau of Maine's Elderly carries out programs at two distinct levels. One group of responsibilities concerns playing a leadership role in the State government's efforts to set policies and priorities in serving the elderly, coordinating programs involving different State agencies and different levels of government, and generally serving as the within-government advocate of the interests of the elderly.

The second set of responsibilities is direct services to Maine's older citizens—arranging transportation, delivering hot meals, supporting home and senior citizen center repairs, providing legal and medical services.

Many of Maine's older citizens are in great need of government assistance. In *Over 60 in Maine,* the Maine Committee on Aging reported that 27.5 percent of the State's population over 65 is below the poverty level, and the State planning office has estimated that 22 percent of the over-65 population is in need of housing assistance.

The statement prepared by Bureau Director Patricia Riley, who was unable to attend the consultation, was read by Julie Jones, the bureau's legal services developer.

Patricia Riley, Director, Bureau of Maine's Elderly

I am the director of the Bureau of Maine's Elderly, the single State agency on aging responsibile for program and policy development in aging and general advocacy in policy and program development affecting Maine's older citizens. The Bureau of Maine's Elderly is responsible for administering Federal funds through the Older Americans Act as well as State funds made available for the bureau's administration and for direct service programs through the Priority Social Services Program.

These programs are administered through five area agencies on aging located statewide. While the bureau is responsible for funding and monitoring the area agencies, it is important to realize that these agencies are private, nonprofit organizations run by elected citizen boards.

It is the philosophy of this bureau and Maine's Aging Network that program and policy development must be initiated, planned, and administered at the direction of older citizens themselves. In addition to the bureau and the area agencies, there exists the Maine Committee on Aging, a 15-member citizen advisory committee appointed by the Governor to serve as an advisor to the bureau and all levels of government and to serve as an advocate on behalf of older citizens. With the bureau, the committee cosponsors an annual Blaine House Conference on Aging through which older citizens discuss major issues of concern to them and develop priorities for legislative and administrative policy consideration. It is through the Blaine House Conference on Aging that I have formulated many of my remarks presented today in regard to age discrimination.

As you probably know, as a result of a Blaine House Conference on Aging resolution two years ago, the Aging Network supported legislation to abolish mandatory retirement. Effective July 1, 1978, mandatory retirement in the public sector is illegal. The legislation which was enacted is broad

based and includes *all* public employees, including public safety officers, tenured university professors, local and municipal employees, and public school employees. That legislation included a provision to provide for a normal retirement age to replace what is now the fixed mandatory retirement age of 70 in most public employment.

As a result of that legislation, the Maine Committee on Aging, this bureau and the State planning office were compelled to conduct a study to recommend ways of extending that abolition to the private sector before the 109th Legislature. The issue of extending the abolition of mandatory retirement to the private sector was discussed at a Blaine House Conference on Aging workshop on October 17.

It was the unanimous vote of the Blaine House Conference on Aging to support legislation which would extend the abolition of mandatory retirement to the private sector without exception. That is, the recently enacted amendments to the Age Discrimination in Employment Act by Congress simply raised the mandatory retirment age to 70 from 65 and still excluded from coverage tenured professors, employees of firms with less than 20 workers, and employees who would be retired with high pension benefits. Should Maine's law be extended this session, it will go beyond the limited scope of the recently enacted Federal legislation.

To look more broadly at civil rights and age discrimination issues confronting Maine's elerly, I need simply refer this Advisory Committee to the excellent report recently completed by the U.S. Civil Rights Commission entitled *The Age Discrimination Study.* The Bureau of Maine's Elderly and the Aging Network are deeply concerned with age discrimination in federally funded programs and are actively involved at the Federal level in an attempt to keep up to date on developments and proposed regulations concerning local implementation of the Age Discrimination Amendments to the Older Americans Act. As you know, these amendments will outlaw age discrimination in federally funded programs, a form of discrimination found in the 1977 Commission report to be widespread. We are committed to working with agencies cited in that study to assure that they better service older citizens and have initiated liaisons with the Comprehensive Employment Training Program and the Maine Department of Mental Health and Corrections.

The problem of extending services to older citizens and assuring that older citizens have full access to the rights, benefits, and services to which they are entitled is great. On the one hand, agencies receiving public funds which are currently discriminating against older citizens need to look at themselves, evaluate their priorities, and determine ways to better service older citizens. There can be little question that the agencies cited in the 1977 Commission report as discriminating on the basis of age in federally funded programs are similarly discriminating on a local level. It is also important to note that the reason for this discrimination is often the result of Federal regulations such as those which require CETA and vocational education to maintain a high level of job placement for workers they train. So long as prejudice remains in the community about the abilities of the old, it will remain difficult for these organizations to place older workers. However, this does not excuse those agencies from a full and deep commitment to serving and placing those workers. It will require the close cooperation of this agency with CETA, vocational education, and others.

We also know that strict local enforcement of State laws regarding age discrimination must be enforced. Yet in the fiscal year 1973 to 1976, of a total of 325 discrimination complaints received by the Maine Human Rights Commission, 39 (or 12 percent of the total) were complaints on the basis of age discrimination. Thirty-eight of those 39 were in the area of employment. The other was a case regarding age discrimination in extension of credit. Similarly, in fiscal year 1976, Maine's Office of Manpower Affairs reported that from a total number of CETA enrollees of 8,709 only 81 were 65 and over, and only 410 were 55 to 64. A full 5,304 were between the ages of 22 and 44. I cite these statistics not to deride those agencies but simply to point out that in Maine, as in the rest of the Nation, serious problems exist in underutilization of services by older citizens and an apparent failure in advocacy on the part of agencies to better serve that client group.

In evaluating the services of other agencies to older citizens, we are aware that we are also evaluating our own efforts as advocates for Maine's elderly. We do not thrust upon agencies underserving older people a total obligation but realize that we, as advocates for older people, must work with these agencies to overcome problems confronting them in our mutual concern for older citizens. Similarly, we cannot arbitrarily attack agencies which are underserving older citizens without

knowing a bit more about needs of older citizens. For example, according to *Over 60 in Maine: A Progress Report,* the primary problems of Maine's older citizens are income and health care. We know that nationally medicare and medicaid pay only about 40 percent of the health care bill of older citizens.

In the State of Maine, we have similar problems, given limited public dollars for extensive public need, in meeting health care needs of older citizens. The Committee on Aging's nursing home ombudsman program has evaluated the Maine Medical Assistance Manual and found that medicaid covers some services for younger people which it does not cover for older people. For example, medicaid provides an extensive early periodic screening and detection program (EPSDT) which covers preventive health care for people under the age of 21, including dental services, hearing aids, and eyeglasses. While these services are available for eligible clients under 21, it is important to realize that in five statewide public hearings this summer older citizens aggressively voiced their concern that some means be established to pay for the high cost of eyeglasses, hearing aids, and dentures. Because of the strong citizens' demand for this assistance, the topic was one at the Blaine House Conference on Aging, which resolved to find ways to assist older citizens to pay for these very necessary services.

As I have stated, the Bureau of Maine's Elderly is deeply committed to issues of age discrimination and developing meaningful responses to assist older people to achieve a full range of rights, benefits, and services by increasing our own advocacy services and technical assistance. Two objectives of the 1979 State plan on aging point out activities which are planned and currently underway. Objective 9 commits the bureau to "Assist older people to achieve a full range of rights and benefits by increasing advocacy services for and by older citizens," and Objective 11 states, "To develop and conduct a public education and information campaign that combats ageism and increases the responsiveness of public policy to older people."

I would like to end this statement by urging this group to retain a perspective that the ultimate goal of civil rights is, of course, to assist all people to maintain their maximum level of independence. This is of a particular concern to Maine's 170,000 elderly, whose average income is $2,884 per year and who suffer from some problems of failing health and lack of mobility which, when coupled with rural isolation, can create enormous jeopardy for those older citizens who are so committed to remaining at home and maintaining their independence.

We continue to stress that, in order to guarantee the full rights of older citizens, we must develop programs and policies that build on their strengths, not their weaknesses, and which create self-help systems, not dependency on public programs. The ultimate right of an older person is the right to be judged as an individual, not by a stereotype of frailty and vulnerability.

I am fearful that the succeeding generations of old will not hold as strongly to the value of this generation of old that to be independent and free from dependence on government programs is of paramount importance. More and more we find people relying on social programs. More and more we find younger people stating that, for example, pensions are not important considerations, for the government will take care of the old. Since aging is a constant life process, we must look at the civil rights of a person throughout his life, not simply the rights he loses as an old person. I am suggesting that public policy can and must begin to take a broader consideration for aging by examining manpower policies.

There are huge questions looming over manpower policies, questions fundamentally linked to aging. How does the nature of work affect the quality of a person's life? How will social security cope with large numbers of retirees while the ratio of workers declines? What will be the effect of elimination of mandatory retirement policies and of the growing trend toward early retirement?

It has been said that we are a culture which places its members in little boxes: We move along those boxes in neat transition from birth through infancy, through education, through career, through retirement. The fight to end manadatory retirement made us look at that system and evaluate why we arbitrarily assign roles by age: From 1 to 6 we grow and play, from 6 to 18 or 22 we are educated, from 30 to 65 we work, and at 65 we stop.

It is time in evaluating the status of civil rights in this country to reevaluate the way we age through these little boxes of social expectation. The old now live in a period of retirement often as long as infancy, childhood, and early adulthood together, and we realize that 21 years is a long while to rely on fixed income and diminished social roles. We

know too that most older people want to retire and do so well before they reach the age of 65.

Those of us who are looking closely at civil rights should look also at manpower policies and should advocate for new manpower policies which will create more income and options for the old and which will allow all workers more flexibility. We must develop incentives for employers to help make work more meaningful and to afford citizens more time to enjoy each other and their lives—to enjoy their own aging. Shared jobs, shorter work weeks, training and educational opportunities, midlife career changes, and more part-time jobs may have a high cost, but may have a high yield on the quality of life. Perhaps a portion of dollars allocated for CETA could instead be made available to test flexible work systems and their effect on the worker, the employer, and the economy.

In closing, I hope this brief review has been of some value to you. We are anxious to work with the Maine Advisory Committee and other agencies and organizations in implementing the Age Discrimination Act to ensure that older people are not discriminated against in federally funded programs and in helping to eradicate age stereotypes—ageism—which pervade our thinking and so negatively influence the development of public policy.

Eplog to Patricia Riley Statement

In 1979 the Maine Legislature extended abolition of mandatory retirement to the private sector, to become effective on January 1, 1980.

Maine State Nurses Association

The Maine State Nurses Association is an affiliate of the American Nurses Association and has been incorporated in Maine for 64 years as a nonprofit organization. MSNA promotes high standards of nursing practice as well as the professional advancement of nurses and represents its members in collective bargaining. (Executive Director Chandler's description of alleged discrimination by employers on the basis of MSNA membership is not included here because such discrimination lies outside the mandate of the U.S. Commission on Civil Rights.)

Nancy R. Chandler, R.N., Executive Director, Maine State Nurses Association

As professional practitioners working with the public and governmental agencies, situations of apparent abuse of the civil rights of children and young adults requiring mental health services and the elderly in need of nursing home care have come to our attention.

The availability of nursing home beds in Maine appears at times to be dependent upon the financial status of the patient seeking the space. We have seen medicare/medicaid patients endure prolonged hospital stays or be returned to undesirable home settings after discharge to a nursing home has been recommended by the physician because nursing homes hold vacant beds for private paying patients and turn down medicare/medicaid patients.

We have observed that age discrimination is evident in availability and utilization of psychiatric resources within the State. There are currently no emergency psychiatric services for children under age 12 in the State. When children in this group show suicidal and homicidal tendencies, or are documented firesetters, there are no services available to them. This is not the case with adolescents or adults.

The adolescents receiving psychiatric care experience a different type of discrimination. The discrimination with this age group occurs with the public during the discharge procedure from institutions. It has become increasingly difficult to locate foster homes willing to accept this category of clients. This appears to be directly related to the public's attitude about mental illness, coupled with the age of the client.

Another issue is the cost and reluctance of most third-party payors to reimburse facilities for private outpatient psychiatric services as compared to reimbursement available for other medical services. This forces families to make decisions on a financial basis rather than on a need for care and tends to prevent the child from having the right to the appropriate medical services.

6. Handicap Discrimination Issues

The status of the civil rights of the handicapped and disabled is at present an emerging area. Although there have always been persons with physical disabilities, only recently have the situations of such persons begun to command the attention of our society and social policymakers. For example, handicap discrimination was only added to the mandate of the U.S. Commission on Civil Rights in September 1978. There are at present several Federal and State statutes which prohibit discrimination against the handicapped as well as mandate barrier-free construction and provisions for the blind and hearing-impaired. A paper prepared by the American Civil Liberties Union provides a brief and useful account of the emerging status of civil rights issues in this area:

> The American public policy toward handicapped people has in the past been paternalistic and ostensibly directed toward providing humane care for those persons. One legal writer has commented that the intention was to allow handicapped persons "to live in seclusion and with as little pain or discomfort as possible." While federal and state legislation provided programs to rehabilitate handicapped persons for employment, the power and resources of government were rarely marshalled to protect them from discrimination. Handicapped persons were trained for various jobs and professions but have found little support from government when they encountered bias in the job market, inaccessible work places and public transportation systems, or exclusion from advanced educational and training programs. Even with the enlistment of civil rights protection authorities in the handicapped rights cause in the 1970s, the old attitudes remained deeply entrenched. One federal judge, as late as 1976, interpreted a major handicapped civil rights provision (Section 504 of the Rehabilitation Act of 1973) as merely "precatory," a legal term meaning to entreat, request, or recommend, in contrast to directing or commanding. Indeed, the major shift in policy has been an end to the old beseeching and pleading by and on behalf of handicapped persons and the beginning of assertive advocacy in the implementation of civil rights.[1]

The State of Maine has had a Committee on the Employment of the Handicapped since 1948. The committee's "main purpose is to carry on a continuing program to promote employment opportunities for qualified handicapped job applicants." Its program gave special emphasis in FY 1978 to "(1) matters relating to compliance with existing state laws designed to eliminate architectural barriers in public buildings and facilities, and (2) matters relating to compliance with the provisions of sections 503 and 504 of the Rehabilitation Act of 1973."[2] A great deal of the committee's activity involves a "continu-

[1] Kent Hull, "Rights of Physically Disabled" (discussion paper prepared for Biennial Conference of the American Civil Liberties Union, Mount Vernon College, Washington, D.C., June 16–19, 1979).

[2] Section 503 of the Rehabilitation Act of 1973, as amended, mandates that any contract larger than $2,500 entered into by a Federal department or agency to procure personal property and nonpersonal services (including construction) must contain an affirmative action provision aimed at improving employment opportunities for qualified handicapped individuals.

Section 504 of the Rehabilitation Act of 1973 provides that in any program or activity receiving Federal financial assistance there shall be no exclusion or denial of benefits to handicapped individuals solely because of their handicap.

ous public-relations type effort"; as part of this effort the committee distributes several free publications. (*Maine State Government Annual Report, 1977–78,* p. 510.)

In addition to the committee's efforts, the Maine Human Rights Act was amended in 1974 to include under its mandate human rights issues of the handicapped. As such, the Maine Human Rights Commission also investigates complaints of discrimination based on physical disability. The two major areas of complaints recorded by the commission include employment and access to public accommodations. Another less-known factor in the effort to protect the rights of the handicapped is Maine Advocates for the Developmentally Disabled, the State's official "protection and advocacy" agency as required by the Federal Developmental Disabilities Act.

The following testimony by Mark Harmon provides an assessment of the current status of handicap issues in Maine and indicates the extent to which the State has changed its orientation toward the handicapped and the areas of improvement still needed.

Mark Harmon, President, Southern Maine Association for Handicapped Persons

The Southern Maine Association for Handicapped Persons (SMAHP) was founded during 1973 by a group of concerned disabled citizens and interested able-bodied people from the University of Southern Maine. SMAHP is a consumer group consisting of 87 members who have banded together to improve the quality of life for the disabled of Maine. Here is our analysis of current civil rights issues.

We believe section 503 (employment under Federal contracts) to be an excellent law which is not enforced. We realize total policing and enforcement of this law would be difficult, but if there were some enforcement in this area and the cases were highly publicized, we feel this would encourage other liable employers to voluntarily comply and hopefully correct the rampant noncompliance with this law.

Section 504 (nondiscrimination under Federal contracts) is being implemented on a more visible scale due to the timetables specifically stated within the law. However, as one of the largest disabled consumer groups in Maine who make it a point to offer technical assistance and advice for free, we have been let down by the low number of inquiries for our expertise.

The 1974 Maine Human Rights Act (specifically concerning architectural accessibility) is haphazardly complied with, and there is no one specifically designated to enforce it. The volume of new construction makes it impossible for us to monitor even a significant proportion of it on a statewide basis. We are working on educating builders and architects and, based on efforts in the last 4 years, we have found again that a few highly publicized litigations help tremendously with their education.

Regarding Transbus, the climate here in Maine makes it impractical for every bus in a public transportation system to be made accessible. We would like to see an alternate service developed with responsible disabled consumer groups playing key roles in that development.

Public housing that is supposedly made accessible to the disabled is oftentimes not, because no disabled were consulted during the planning and constructing phase. We have found a lot of discrimination against the disabled in public housing programs. Usually the elderly are placed over the disabled. Although we do not have documentation of this, we are aware of many instances where this happened. The handicapped are also shut out of much of private housing.

Epilog to Mark Harmon Statement

On November 6, 1978, Congress adopted the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978 to the Rehabilitation Act of 1973. One effect of these amendments is to give victims of handicap discrimination the same relief as is now available under Title VI of the 1964 Civil Rights Act to other classes of discrimination victims. Basically, this means that the Rehabilitation Act of 1973 may now be construed to be enforceable by "private cause of action"—that is, by an individual complainant's suit. Describing this and other developments, Attorney Roger B. Jacobs, writing in the Commisson's *Civil Rights Digest* (Spring 1979), concluded that "the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978 added much needed vitality to the Rehabilitation Act, hitherto a legislative 'paper tiger'."

7. Summary of Issues and Programming Ideas

The statements by participants in the Consultation on the Status of Civil Rights in Maine describe a wide range of problems and characterize them in widely different ways. Some problems are the focus of lengthy, well-documented discussions, while others are merely referred to tangentially or parenthetically. Some analyses identify specific institutions or procedures as needing examination and reform, while others criticize societal or systemic attitudes and conditions. Some assume that a problem or need is obvious and emphasize an organization's agenda or legislative goals, while others emphasize the problem and seem less able to formulate remedies.

From these diverse presentations, the following list of alleged "problem areas" is identifiable:

1. The public's lack of awareness of civil rights issues and of the status of "protected classes." Different manifestations of this problem cited by different consultation participants include the backlash to the Indian land claims suit, popular apprehension about affirmative action, and a failure of many discrimination victims to know their rights and options.
2. Failure of units of government to comply with applicable laws. This was cited at the local level in regard to general assistance program guidelines, at the State level in regard to equal employment opportunity, and in regard to Federal oversight of local antipoverty projects.
3. Lack of legal resources available to those fighting discrimination. At the institutional level, the absence of independent counsel was cited as a problem for the Maine Human Rights Commission; at the personal level, lack of legal services for low-income discrimination victims (particularly in opposing large employers) was mentioned.

Participants also singled out several specific programs or practices that they believed to be discriminatory. These included the status of the crime of spouse abuse in State law; police and prosecutorial responses to abused women; difficulty of households with children in obtaining rental housing; discrimination against Indians in public housing; removal of Indian children from their parents' homes by the State; administration of the general assistance program, both at the municipal level and at the State level; unequal treatment of women in county jails; health services for the elderly; and State enforcement of Federal laws to promote the rights of the handicapped.

Some panelists accompanied their descriptions of problems with explicit program suggestions for the Advisory Committee:

1. The Advisory Committee should examine the general assistance program as locally administered for denials of due process and for failure to follow legal requirements.
2. The Advisory Committee should examine discrimination in rental housing against households with children.
3. The Advisory Committee should examine statistics and the statistic-gathering process regarding minorities in isolated areas or deconcentrated communities.
4. The Advisory Committee should sponsor speakers and other events involving national civil rights figures brought into rural or isolated areas.
5. The U.S. Commission on Civil Rights should sponsor hearings on civil rights problems in isolated and rural areas.
6. The Advisory Committee should follow up its report on affirmative action in State government

with additional data gathering on the status of women in government.

7. The Advisory Committee should examine women's prisons to see whether inmates receive the same facilities and services as male inmates.

These suggestions must be refined through additional data gathering and planning before they can be adopted as Advisory Committee projects or positions. Also, the Advisory Committee has found that some of these suggested activities require determinations by the Commission's attorneys as to whether they even fall within the jurisdiction of the agency.

These are not unanticipated tasks, for in planning the Consultation on the Status of Civil Rights in Maine the Advisory Committee resolved to cast its net as broadly as possible. Consequently, some unfamiliar conditions and problems of discrimination have been brought closer to public consciousness. From this important first step the Advisory Committee and other groups can now proceed to the tasks of describing these problems in detail, determining responsibility for them, and proposing remedies.

APPENDIX A

Complaints to the Maine Human Rights Commission, Fiscal Year 1978–79

CHART 1

Case Activity

Fiscal Year 78–79

New complaints	Pending* complaints	Cases closed	Total active for year	Active at year end
329	421	358	750	392

Percentage increase in new complaints (fiscal year 78–79 v. 77–78) = 21%

* Pending complaints are complaints carried over into the new fiscal year from the previous fiscal year.

CHART 2

Total number of new complaints	Employment	Housing	Public accommodations	Credit extension	Offensive names
329	300	17	9	3	0

Percentage of total number of complaints

Employment	Housing	Public accommodations	Credit extension	Offensive names
91%	5%	3%	1%	—

CHART 3

Breakdown of Areas of Discrimination Showing:

1. The total number of times a basis was used when filing a complaint.
2. The percentage of times a basis was alleged, in a particular area, as the grounds for filing a complaint. (Percentage based on total number of complaints in a particular area.)

	Employment		Housing		Public accommodations		Credit extension	
	No.	%	No.	%	No.	%	No.	%
Race and color	23	8%	3	18%	—	—	—	—
Sex	153	51%	4	23%	4	44%	1	34%
Physical or mental handicap	66	22%	2	12%	4	45%	—	—
Religion	5	1%	—	—	1	11%	—	—
Age	36	12%	—	—	—	—	1	33%
Ancestry or national origin	11	4%	—	—	—	—	—	—
Marital status	—	—	—	—	—	—	1	33%
Receipt of public assistance (housing)	—	—	8	47%	—	—	—	—
Other	6	2%	—	—	—	—	—	—

CHART 4

Comparison Between FY 77–78 and FY 78–79 of the Number of Times a Basis Was Used for Filing a Charge

	Employment		Housing		Public accommodations		Credit extension	
	78	79	78	79	78	79	78	79
Race or color	6%	8%	14%	18%	—	—	14%	—
Sex	52%	51%	29%	23%	53%	44%	57%	34%
Physical or mental handicap	21%	22%	21%	12%	33%	45%	—	—
Religion	1%	1%	—	—	7%	11%	—	—
Age	14%	12%	—	—	—	—	—	33%
Ancestry or national origin	3%	4%	21%	—	7%	—	—	—
Marital status	—	—	—	—	—	—	29%	33%
Receipt of public assistance (housing)	—	—	14%	47%	—	—	—	—
Other	3%	2%	—	—	—	—	—	—

CHART 5

Analysis of Reasonable Grounds

Fiscal year	Total cases voted on	No reasonable grounds	Reasonable grounds	% of cases voted with reasonable grounds
75–76	204	129	75	37%
76–77	114	71	43	38%
77–78	169	113	56	33%
78–79	161	111	50	31%

CHART 6

Analysis of Administrative Closures

Total administrative closures	Predetermination settlements	Not within jurisdiction	Failure to proceed	Not timely filed	Refer to EEOC
191	104	18	65	3	1

CHART 7

Analysis of Areas with Reasonable Grounds Findings for Fiscal Year 77–78

	Employment	Housing	Public accommodations	Credit extension	Offensive names
Race or color	1	—	—	—	—
Sex	24	—	—	—	—
Physical or mental handicap	14	—	—	—	—
Religion	—	—	—	—	—
Age	7	—	—	—	—
Ancestry or national origin	1	—	—	—	—
Marital status	—	—	—	—	—
Receipt of public assistance (housing)	—	2	—	—	—
Other	—	—	—	—	1

APPENDIX B

Organizations Represented at the Consultation on the Status of Civil Rights in Maine

Maine Human Rights Commission
State House
Augusta, Maine 04333
(207) 289-2326

Pine Tree Legal Assistance, Inc.
39 Green St.
Augusta, Maine 04330
(207) 623-2971

Maine Teachers Association Women's Caucus
35 Community Drive
Augusta Civic Center
Augusta, Maine 04106
(207) 622-5866

Maine Division of Community Services
State House
Augusta, Maine 04333
(207) 289-3771

Portland Area Branch
NAACP

Association of Aroostook Indians
P.O. Box 223
Houlton, Maine 04730
(207) 523-7317

Central Maine Indian Association
95 Maine St.
Orono, Maine 04473
(207) 866-5587

Maine Commission for Women
State House
Augusta, Maine 04333
(207) 289-3418

Greater Bangor National Organization for Women
23 March Street
Bangor, Maine 04401

Maine Women's Lobby
P.O. Box 15
Hallowell, Maine 04347

Maine Civil Liberties Union
97 Exchange Street
Portland, Maine 04101
(207) 774-5444

Portland Family Crisis Shelter
P.O. Box 4255
Station A
Portland, Maine 04101
Hotline: (207) 773-5516

Bureau of Maine's Elderly
Capitol Shopping Center
Augusta, Maine
(207) 289-2561

Maine State Nurses Association
83 Western Avenue
Augusta, Maine
(207) 622-1057

Southern Maine Association of Handicapped Persons
56 Pennell Avenue
Westbrook, Maine 04092

Maine Lesbian Feminists
P.O. Box 125
Belfast, Maine 04915

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